

**ALABAMA LAWS**  
**(and Joint Resolutions)**  
**OF THE**  
**LEGISLATURE OF ALABAMA**  
**PASSED AT THE**  
**FIRST SPECIAL SESSION 1982**



**FOB JAMES, Governor**  
**GEORGE D. H. McMILLAN, Lieutenant Governor**  
**FINIS ST. JOHN, President Pro-Tem of the Senate**  
**JOE C. McCORQUODALE, JR., Speaker of the House**  
**RICHARD S. MANLEY, Speaker Pro-Tem of the House**  
**McDOWELL LEE, Secretary of the Senate**  
**JOHN W. PEMBERTON, Clerk of the House**

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**WITH AN INDEX PREPARED BY THE**  
**LEGISLATIVE REFERENCE SERVICE**

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The undersigned, as Secretary of State of the State of Alabama, does hereby certify that this book contains bills and joint resolutions enacted at the 1982 First Special Session of the Legislature of Alabama and is the official publication of such acts.

Don Siegelman  
Secretary of State

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# ALABAMA LAWS

## and Joint Resolutions

### FIRST SPECIAL SESSION 1982

Act No. 82-629

H. 19—Rep. Manley

#### AN ACT

To provide for the reapportionment of the two houses of the Alabama Legislature based upon the 1980 census, and to expressly repeal Act No. 81-1049, 1981 Second Special Session.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The House of Representatives of the Alabama Legislature shall consist of 105 members and each member shall reside in the district he represents. The state is hereby divided into 105 house districts as follows:

#### HOUSE DISTRICT 1 SHALL CONSIST OF:

In Lauderdale County:

In Tract 0101:

Block Group 1

Block Group 2

Block Group 3

Block Group 4

Block Group 5

All of Tract 0107

Tract 0108

Tract 0115

Tract 0116

Tract 0117

Tract 0118

#### HOUSE DISTRICT 2 SHALL CONSIST OF:

In Lauderdale County:

In Tract 0101:

Block Group 6

Block Group 7

All of Tract 0102

Tract 0103

Tract 0104

Tract 0105

Tract 0106

Tract 0109

Tract 0110

Tract 0111  
 In Tract 0112:  
     Block 103  
     Block Group 2  
     Blocks 401, 402 and 403  
 All of Tract 0113  
 Tract 0114

HOUSE DISTRICT 3 SHALL CONSIST OF:

In Colbert County:  
     Tract 0201  
     Tract 0202  
     Tract 0203  
     Tract 0204  
     Tract 0205  
     Tract 0206  
     Tract 0209  
     Tract 0210  
     Tract 0207, Block 101 only

In Lauderdale County:

    Tract 0112  
         Block 101  
         Block 102  
         Block 149  
         Block 150  
     Block Group 3 (all)  
         Block 405  
         Block 406  
     Block Group 5  
     Block Group 6  
     Block Group 7  
     Block Group 9  
     Enumeration District 444T  
     Enumeration District 444U  
     Enumeration District 445

HOUSE DISTRICT 4 SHALL CONSIST OF:

In Colbert County:  
     Leighton Division (All)  
         Tract 207 except Block 101 (land only)  
 In Franklin County:  
     Russellville Division (All)  
 In Phil-Campbell Division (Remainder)  
     Enumeration District 0070U  
     Enumeration District 0071

HOUSE DISTRICT 5 SHALL CONSIST OF:

In Franklin County:

Red Bay Division (All)  
 Vina Division (All)  
 Phil-Campbell Division  
     Enumeration District 0068  
     Enumeration District 0069  
     Enumeration District 0070T

In Marion County:  
     All except Guin Division

HOUSE DISTRICT 6 SHALL CONSIST OF:

Lamar County (All)  
 Fayette County  
 In Marion County:  
     Guin Division

HOUSE DISTRICT 7 SHALL CONSIST OF:

Lawrence County  
 In Morgan County:  
     Danville Division  
     Decatur Division  
     Tract 0051:  
         Block Group 4  
     Tract 0051:  
         Block Group 5  
     Tract 0051:  
         Block Group 3  
     Tract 0051:  
         Block Group 6, except for Blocks 601 through 609p and  
         except for Blocks 623 and 627  
         Enumeration District 270

HOUSE DISTRICT 8 SHALL CONSIST OF:

In Morgan County:  
     Decatur Division:  
         Tract 0001, except for Block Groups 5 and 6  
         Tract 0004  
         Tract 0005  
         Tract 0006  
         Tract 0007  
         Tract 0008  
         Tract 0009  
         Tract 0010  
         Tract 0051:  
             Block Group 1  
             Block Group 2  
             Blocks 601 through 609p and Blocks 623 and 627  
             Block Group 7

Block Group 8

Block Group 9

HOUSE DISTRICT 9 SHALL CONSIST OF:

In Morgan County:

Tract 0001

Block Group 5

Block Group 6

Tract 0002

Tract 0003

Tract 0053

Tract 0054.02

Lacey Springs Division

Tract 0054.01

HOUSE DISTRICT 10 SHALL CONSIST OF:

In Morgan County:

Eva Division

Falkville Division

In Cullman County:

Vinemont Division

Simcoe Division

Baileyton-Joppa Division

Holly Pond Division

Walti Division

Hanceville Division, Except Enumeration District 140 and  
Enumeration District 137

Jones Chapel Division, Enumeration District 114

HOUSE DISTRICT 11 SHALL CONSIST OF:

In Cullman County:

Cullman Division

Breman Division

Jones Chapel Division, Except Enumeration District 114

Crane Hill Division

Logan Division

Hanceville Division, Enumeration District 140 and Enumeration  
District 137

In Winston County:

Addison Division (p):

Enumeration District 604T

Enumeration District 605A

Enumeration District 605U

In Double Springs Division:

Enumeration District 606

Enumeration District 607

Enumeration District 608

Enumeration District 610B  
 Enumeration District 610A

HOUSE DISTRICT 12 SHALL CONSIST OF:

In Winston County:

In Addison Division (p):

Enumeration District 600  
 Enumeration District 601  
 Enumeration District 605B  
 Enumeration District 602  
 Enumeration District 603  
 Enumeration District 604U

In Double Springs Division:

Enumeration District 609T  
 Enumeration District 609U

Haleyville Division (all)

Lynn Division (all)

In Walker County:

Carbon Hill Division  
 Nauvoo Division  
 Manchester Division  
 Townley Division

In Oakman Division (p):

Enumeration District 912

In Remainder of Jasper Division:

Enumeration District 882  
 Enumeration District 883  
 Enumeration District 879A  
 Enumeration District 880  
 Enumeration District 881  
 Enumeration District 886  
 Enumeration District 887

In Remainder of Jasper Division:

Enumeration District 884  
 Enumeration District 885A

HOUSE DISTRICT 13 SHALL CONSIST OF:

All of Walker County except that part included in House District 42 and House District 12

HOUSE DISTRICT 14 SHALL CONSIST OF:

In Jefferson County:

Tract 0115

Tract 0121.04

Tract 0114

Tract 0113, less Block Group 4, in Block Group 1, Blocks 152 and 153, and in Block Group 3, Blocks 305-11, 340-344, 346-349 and less Block 350 in the Remainder of the Kimberly-Morris

Division

Tract 0122, less Enumeration Districts 112 and 113

Tract 0124.03, less Block Groups 6 and 9

Tract 0123.02, Enumeration District 115

Tract 0121.03, less Block Groups 5, 7 and 9 and in Block Group 2, Block 222

In Blount County:

Tract 0505 – Blountsville Division, except

Enumeration District 782 and

Enumeration District 780

Tract 0506 – Hayden Division

Tract 0507 – Locust Fork Division

Enumeration District 807

Enumeration District 811

Block Group 1

Block Group 3

HOUSE DISTRICT 15 SHALL CONSIST OF:

In Jefferson County:

Tract 0059.04

Block Group 1

Tract 0111.03

Tract 0111.04

Tract 0112.03

Tract 0112.04

Tract 0112.05

Tract 0112.06

Tract 0113.00

Block Group 1

Blocks 152, 153

Block Group 3

Blocks 305-311, 340-344, 346-349, and Block 350 in the  
Remainder of the Kimberly-Morris Division

Block Group 4

In St. Clair County:

Tract 0405:

Enumeration District 859

Enumeration District 860

Enumeration District 865

HOUSE DISTRICT 16 SHALL CONSIST OF:

In Limestone County:

Tract 0201

Tract 0202

Tract 0203

Tract 0204

Tract 0205

Tract 0206  
 Tract 0207  
 Tract 0209  
 Tract 0210  
 Tract 0211p, Enumeration District 692

HOUSE DISTRICT 17 SHALL CONSIST OF:

In Limestone County:

Tract 0208  
 Tract 0212  
 Tract 0211, less Enumeration District 692

In Madison County:

Tract 0104  
 Tract 0105, in the remainder of Huntsville Division  
 Tract 0106, less Blocks 101-104, 149-150, 201-209 and 901-904  
 Tract 0110  
 Tract 0014  
 Tract 0022  
 Tract 0023, Blocks 402 through 426, 107, 108 and 211  
 Tract 0013, Blocks 201 through 211

HOUSE DISTRICT 18 SHALL CONSIST OF:

In Madison County:

Tract 0111  
 Tract 0112

In Huntsville Division:

Tract 0023:  
     Blocks 301-322 and 401  
 Tract 0024  
 Tract 0025.01  
 Tract 0025.02  
 Tract 0028.01  
 Tract 0027.01  
 Tract 0029.01  
 Tract 0028.02  
 Tract 0029.02  
 Tract 0026, Block Group 3

In New Hope Division:

Tract 0113p, Block Group 1

Huntsville City Part

Tract 0113p

HOUSE DISTRICT 19 SHALL CONSIST OF:

In Madison County:

In Huntsville Division:

Tract 0021  
 Tract 0012  
 Tract 0015

Tract 0006.01  
Tract 0006.02  
Tract 0005.03  
Tract 0005.02  
Tract 0005.01  
Tract 0004.01  
Tract 0023:  
    Block Group 1, less Blocks 107 and 108  
    Block Group 2, less Block 211  
Tract 0007.02:  
    Blocks 105-122  
Tract 0013, except for Blocks 201-211  
Tract 0106.00  
    Blocks 101-104, 149, 150, 201-209 and 901-904

HOUSE DISTRICT 20 SHALL CONSIST OF:

In Madison County:

Tract 0107, except for Madison County Commission Shed No. 1,  
located at the intersection of Mooresmill Road and Shed Road,  
and containing zero population.

In Huntsville Division:

Tract 0004.02  
Tract 0003.02  
Tract 0003.01  
Tract 0002.02  
Tract 0007.01  
Tract 0007.02  
    Blocks 101-104  
Tract 0008  
Tract 0002.01  
Tract 0009.01, less Block Group 2  
Tract 0108p:  
    Block Group 9  
Tract 0011  
Tract 0001  
    Blocks 122, 123, 221, 225, 306-321 and 327  
Tract 0016  
Tract 0105 (city part)  
Tract 108, Blocks 905, 906 and 907 (City Part)

HOUSE DISTRICT 21 SHALL CONSIST OF:

In Madison County:

In Huntsville Division:

Tract 0001, less Blocks 122, 123, 221, 225, 306-321 and 327  
Tract 0010  
Tract 0017  
Tract 0018.01



Tract 0018.02  
 Tract 0019.01  
 Tract 0019.02  
 Tract 0019.03  
 Tract 0020  
 Tract 0027.02  
 Tract 0026:  
     Block Groups 1 and 2  
 Tract 0009.02  
 Tract 0009.01  
     Block Group 2  
 Tract 0108  
     Blocks 102, 106-123, 137-147, 152-164, 172-178 and 909

# HOUSE DISTRICT 22 SHALL CONSIST OF:

## In Madison County:

Tract 0113, less New Hope Division, Huntsville City (pt.) and  
 less New Hope Division Tract 0113p, Block Group 1  
 Tract 0114  
 Tract 0109  
 Tract 0108, less Blocks 102, 106-123, 137-147, 152-164, 172-178  
 and 909 and less Block Group 9 in the remainder of the Hunts-  
 ville Division  
 Tract 0102  
 Tract 0101  
 Tract 0103, and Madison County Commission Shed No. 1,  
 located at the intersection of Mooresmill Road and Shed Road,  
 and containing zero population.

## In Jackson County:

The Paint Rock Division  
 The Princeton Division  
 The Scottsboro Division – BNA 9902, Except Blocks 203 and 218  
     Enumeration District 197  
     Enumeration District 196

# HOUSE DISTRICT 23 SHALL CONSIST OF:

## In DeKalb County:

The Ider Division  
     Enumeration District 0401

## In Jackson County:

BNA 9901 of the Scottsboro Division  
     Blocks 203 and 218 only of BNA 9902 in the Scottsboro  
     Division  
 The Stevenson Division  
 The Bridgeport Division  
 The Long Island Division  
 The Pisgah Division

The Section Division

Enumeration District 198 of the Scottsboro Division

Enumeration District 195 of the Scottsboro Division

HOUSE DISTRICT 24 SHALL CONSIST OF:

In DeKalb County:

The Ft. Payne Division

The Valley Head-Mentone Division

The Ider Division less E. D. 0401

The Heneger Division

The Rainesville-Sylvania Division

The Fyffe Division

HOUSE DISTRICT 25 SHALL CONSIST OF:

In Marshall County:

Town Creek Division

Albertville-Boaz Division, except

Enumeration District 817 and

Enumeration District 821

In DeKalb County:

Collinsville Division

Crossville Division

Geraldine Division

HOUSE DISTRICT 26 SHALL CONSIST OF:

In Marshall County:

Grant Division

Union-Grove Division

Arab Division

Guntersville Division

Douglass Division

HOUSE DISTRICT 27 SHALL CONSIST OF:

In Marshall County:

Albertville-Boaz Division (p):

Enumeration District 817

Enumeration District 821

In Etowah County:

Mountainboro Division, except

Enumeration District 514A

Altoona Division

All of Blount County except:

Haden Division

Enumeration Districts 781, 783 and 784 in Blountsville Division

Enumeration Districts 807, 811 and Block Groups 1 and 3 in Locust Fork Division

HOUSE DISTRICT 28 SHALL CONSIST OF:

In Etowah County:

- Tract 0006
- Tract 0011
- Tract 0013
- Tract 0014
- Tract 0015
- Tract 0016
- Tract 0017
- Tract 0101
- Tract 0102
- Tract 0104
- Tract 0103(p):
  - Enumeration District 527
  - Enumeration District 528
  - Block Group 1
  - Block Group 2

HOUSE DISTRICT 29 SHALL CONSIST OF:

In Etowah County:

- Tract 0001
- Tract 0002
- Tract 0003
- Tract 0004
- Tract 0005
- Tract 0007
- Tract 0008
- Tract 0009
- Tract 0010
- Tract 0012
- Tract 0108
- Tract 0109
- Tract 0103(p):
  - Block Group 9
  - Enumeration District 525
  - Enumeration District 526
- Tract 0107(p):
  - Block Group 1
  - Block Group 2
  - Block Group 6
- Tract 0110(p):
- Mountainboro Division:
  - Enumeration District 514A

HOUSE DISTRICT 30 SHALL CONSIST OF:

Cherokee County (All)

In Etowah County:

Tract 0105  
Tract 0106  
Tract 0107p:  
    Enumeration District 501  
    Enumeration District 500

HOUSE DISTRICT 31 SHALL CONSIST OF:

In Jefferson County:

Tract 0111.05  
Tract 0108.02  
Tract 0108.03  
Tract 0108.04  
Tract 0108.05  
Tract 0128.02  
Tract 0128.01  
Tract 0127.01

HOUSE DISTRICT 32 SHALL CONSIST OF:

In Jefferson County:

Tract 0108.01  
Tract 0049  
Tract 0048  
Tract 0047.02  
Tract 0044  
Tract 0047.03  
Tract 0056  
Tract 0126.01  
Tract 0126.02  
Tract 0023.06  
Tract 0045  
    Block Groups 2, 3, 4 and 5  
Tract 0050  
    Block Group 2  
        Blocks 201-203  
Tract 0053.02  
    Block Groups 1, 2 and 9  
Tract 0059.03  
    Block Group 4  
        Blocks 414, 415, 421, 425 and 426

HOUSE DISTRICT 33 SHALL CONSIST OF:

In Jefferson County:

Tract 0107.01  
Tract 0107.02  
Tract 0107.03  
Tract 0107.04  
Tract 0107.05  
Tract 0107.06, less Block Group 9, Blocks 921-923, 919

Tract 0144.01  
Block Group 1  
Tract 0143.02  
Block Group 1  
Blocks 101-103, 105  
Block Group 2  
Block 208  
Block Group 3  
Block Group 9  
Blocks 903-905, 910  
Tract 0130.02, less Block Group 1, Blocks 105, 109-111 and 151  
Tract 0130.01  
Tract 0129.01  
Block Group 2  
Tract 0131  
Block Group 1  
Tract 0057.01  
Block Group 6  
Blocks 625-628, 634  
Block Group 7  
Block Group 8

HOUSE DISTRICT 34 SHALL CONSIST OF:

In Jefferson County:

Tract 0118.01  
Tract 0059.06  
Tract 0118.02  
Tract 0119.01, less Block Groups 1 and 8  
Tract 0059.04, less Block Group 1  
Tract 0059.05  
Tract 0059.03, less Blocks 414, 415, 421, 425 and 426

HOUSE DISTRICT 35 SHALL CONSIST OF:

In Jefferson County:

Tract 0117.05  
Tract 0117.03  
Tract 0120.02  
Block Group 1  
Block Group 2  
Block Group 3  
Block Group 4  
Block Group 6  
Block Group 8  
Block Group 9  
Tract 0119.01, Block Groups 1 and 8  
Tract 0109  
Tract 0116

Tract 0117.06  
 Tract 0121.03  
     Block Group 2  
     Block 222  
     Block Group 5  
     Block Group 7  
     Block Group 9  
 Tract 0117.04

HOUSE DISTRICT 36 SHALL CONSIST OF:

In Jefferson County:

Tract 0001  
 Tract 0003, less Block Group 1  
 Tract 0018.01  
 Tract 0018.02  
 Tract 0023.03  
 Tract 0019.01  
 Tract 0022  
 Tract 0020  
 Tract 0021  
 Tract 0053.01  
 Tract 0053.02, less Block Groups 1, 2 and 9  
 Tract 0023.04  
 Tract 0024  
 Tract 0025  
 Tract 0023.05  
 Tract 0119.03  
     Block Groups 2 and 5  
     Block Group 3  
     Blocks 310, 342 and 346  
     Blocks 303-309, 313, 314, 316, 324-325, 343-344, 347

HOUSE DISTRICT 37 SHALL CONSIST OF:

In Jefferson County:

Tract 0106.01  
 Tract 0106.02  
 Tract 0106.03  
 Tract 0135  
 Tract 0139.01  
 Tract 0134  
 Tract 0136.01  
 Tract 0136.02  
 Tract 0137  
     Block Group 4  
     Blocks 405 and 406  
 Tract 0133  
 Tract 0105

Tract 0131, less Block Group 1  
Tract 0138.02

HOUSE DISTRICT 38 SHALL CONSIST OF:

In Jefferson County:

Tract 0040

Block Group 1

Blocks 108, 114-116 and 123

Block Group 2

Block Group 3

Block Group 4

Block Group 5

Block Group 6

Block Group 7

Block Group 8

Tract 0052

Tract 0051.02

Block Group 9

Tract 0057.02

Tract 0057.01, less Block Group 6, Blocks 625-628, 634 and less  
Block Groups 7 and 8

Tract 0038.03

Tract 0039

Tract 0130.02

Block Group 1

Blocks 105, 109-111 and 151

Tract 0031

Block Groups 2, 3, 4 and 5

Tract 0030.01

Block Groups 7 and 8

Tract 0132

Block Groups 3 and 4

Tract 0107.06

Block Group 9

Blocks 919, 921-923

HOUSE DISTRICT 39 SHALL CONSIST OF:

In Jefferson County:

Tract 0030.02

Tract 0029

Tract 0030.01, less Block Groups 7 and 8

Tract 0040

Block Group 1

Blocks 104, 106, 109-113, 117-118 and 120-122

Tract 0041

Tract 0042

Tract 0050

- Block Group 2
  - Blocks 204-207, 209 and 211
- Block Group 3
- Block Group 4
- Block Group 5
- Tract 0051.01
- Tract 0051.02, less Block Group 9
- Tract 0028.02
- Tract 0058
- Tract 0014
  - Block Group 3

HOUSE DISTRICT 40 SHALL CONSIST OF:

In Jefferson County:

- Tract 0037
- Tract 0036
- Tract 0038.01
- Tract 0132, less Block Groups 3 and 4
- Tract 0038.02
- Tract 0034
- Tract 0035
- Tract 0123.01
  - Block Group 3
  - Block Group 4
  - Block Group 5
    - Blocks 549 and 550
  - Block Group 9
    - Blocks 917-923 and 925
- Tract 0124.02, less Block Group 2 and Block Group 4
- Tract 0125
- Tract 0124.03
  - Block Groups 6 and 9

HOUSE DISTRICT 41 SHALL CONSIST OF:

In Jefferson County:

- Tract 0141.03
  - Block Group 1
    - Blocks 101, 102 and 114
- Tract 0103.02
- Tract 0101
- Tract 0102
- Tract 0138.01
- Tract 0141.04
- Tract 0137, less Block Group 4, Blocks 405 and 406
- Tract 0103.01
- Tract 0100.02
  - Block Group 2



Block 224  
Tract 0104.01  
Tract 0143.01  
Block Group 3  
Block Group 6

HOUSE DISTRICT 42 SHALL CONSIST OF:

In Walker County:

Tract 0213  
Enumeration District 915  
Tract 0214  
Enumeration District 909U  
Tract 0215  
Tract 0216

In Jefferson County:

Tract 0141.02  
Enumeration District 120  
Tract 0139.02  
Tract 0100.02, less Block Group 2, Block 224  
Tract 0100.01  
Tract 0140  
Block Group 1  
Tract 0123.01, less Block Groups 3 and 4, Block Group 5, Blocks  
549 and 550, and Block Group 9, Blocks 923-925 and 917  
Tract 0123.02, less Enumeration District 115  
Tract 0122  
Enumeration District 112  
Enumeration District 113

HOUSE DISTRICT 43 SHALL CONSIST OF

In Jefferson County:

Tract 0008  
Tract 0007  
Tract 0002  
Tract 0019.02  
Tract 0003  
Block Group 1  
Tract 0005, less Block Groups 4, 5 and 6 and less Blocks 307,  
311 and 319  
Tract 0055  
Tract 0004  
Tract 0054  
Tract 0119.03  
Block Group 1  
Block Group 3, less Blocks 303-310, 313, 314, 316, 324-325,  
342-344, 346, 347  
Block Group 4

Tract 0119.02  
Tract 0006  
    Block Group 1  
    Block Group 5  
    Blocks 511, 514

HOUSE DISTRICT 44 SHALL CONSIST OF:

In Jefferson County:

Tract 0009  
    Block Group 1  
    Block Group 2  
    Block Group 3  
    Block Group 5  
Tract 0014, less Block Group 3  
Tract 0015  
Tract 0016  
Tract 0017  
Tract 0026.01  
Tract 0026.02  
Tract 0027  
Tract 0028.01  
Tract 0045, less Block Groups 2, 3, 4 and 5  
Tract 0046  
Tract 0047.01  
Tract 0006, less Block Group 1, Block Group 5, Blocks 511 and 514  
Tract 0005  
    Block Groups 4, 5 and 6  
    Blocks 307, 311 and 319

HOUSE DISTRICT 45 SHALL CONSIST OF:

In Jefferson County:

Tract 0120.01  
Tract 0011  
Tract 0012  
Tract 0010  
Tract 0031:  
    Block Group 1  
    Block Group 6  
    Block Group 7  
Tract 0032  
Tract 0033  
Tract 0120.02:  
    Block Group 5  
Tract 0124.01  
Tract 0124.02:  
    Block Group 2

Block Group 4  
Tract 0009:  
Block Group 4  
Block Group 6  
Block Group 7  
Block Group 8

HOUSE DISTRICT 46 SHALL CONSIST OF:

Tuscaloosa County

Tract 0113  
Blocks 101 and 120  
Tract 0116  
Tract 0117  
Tract 0118  
Tract 0119  
Tract 0120  
Tract 0124  
Tract 115, Block Group 1  
Tract 125 (Tuscaloosa City pt.)  
Block Group 1  
Tract 125, Blocks 102, 105p, 107p, 111, 112 and 123 in the  
Remainder of the Tuscaloosa Division  
Tract 123, Blocks 221-225 and 229 in the Remainder of the  
Tuscaloosa Division

HOUSE DISTRICT 47 SHALL CONSIST OF:

Tuscaloosa County

Tuscaloosa City part of Windham Springs Division

Tract 0104.02  
Tract 0105  
Tract 0108, Block Group 1, Blocks 203 and 235, Block Group 3  
except Blocks 301-311 and 340, and Block Group 9  
Tract 0109  
Tract 0110  
Tract 0111  
Tract 0112  
Tract 0113, less Blocks 101 and 120  
Tract 0114  
Tract 0115, less Block Group 1  
Tract 0121, Blocks 105-108, 110, 112-120, 211-225 and 238  
Brookwood Division

HOUSE DISTRICT 48 SHALL CONSIST OF:

All of Bibb County

Tuscaloosa County

Abernant Division

Coaling-Vance Division

Tract 0108, Block Group 2 except Blocks 203 and 235, Block

Group 4, Blocks 301-311, and Block 340  
Tract 0121, Blocks 101-104, 226-234, 109, 122-130, 133, 202 and  
204-210  
Tract 0122  
Tract 0123, less Blocks 221-225 and 229 in the Remainder of  
the Tuscaloosa Division

HOUSE DISTRICT 49 SHALL CONSIST OF:

In Jefferson County:

Tract 0129.04  
Block Group 9  
Blocks 906-909

In Shelby County:

Tract 0303.01  
Tract 0303.02  
Tract 0304.01  
Tract 0304.02:  
Enumeration District 21  
Tract 0306.01  
Tract 0306.02, except Enumeration District 14

HOUSE DISTRICT 50 SHALL CONSIST OF:

In Jefferson County:

Tract 0141.03:  
Less Block Group 1, Blocks 101, 102 and 114  
Tract 0141.02, less Enumeration District 120  
Tract 0141.05  
Tract 0104.02  
Tract 0143.01  
Block Group 4  
Tract 0142.03  
Tract 0142.02  
Tract 0142.04  
Tract 0144.03  
Tract 0140, less Block Group 1  
Tract 0144.02, less Block Group 4 and less Block Group 8,  
Blocks 801-805, 807-813, 815, 818, 829, and 833  
Tract 0143.02  
Block Group 1, less Blocks 101-103 and 105  
Block Group 2, less Block 208  
Block Group 3, less Blocks 308, 338-344  
Block Group 9, less Blocks 903-905 and 910

HOUSE DISTRICT 51 SHALL CONSIST OF:

In Jefferson County:

Tract 0129.03  
Tract 0129.02  
Tract 0129.01, less Block Group 2

Tract 0129.04, less Block Group 9, Blocks 906-909  
Tract 0144.02:  
    Block Group 4  
    Block Group 8  
        Blocks 801-805, 807-813, 815, 818, 829 and 833  
Tract 0144.01  
    Block Group 3  
    Block Group 2

HOUSE DISTRICT 52 SHALL CONSIST OF:

    In Jefferson County:

        Tract 0110  
        Tract 0127.02

    In Shelby County:

        Tract 0301  
        Tract 0302  
        Tract 0305  
        Tract 0306.02, Enumeration District 14 only  
        Tract 0307.01  
        Tract 0307.02  
        Tract 0308

    In Talladega County:

        In Sylacauga Division:  
            Enumeration District 699A

HOUSE DISTRICT 53 SHALL CONSIST OF:

    All of Chilton County

    In Shelby County:

        Enumeration District 15  
        Enumeration District 16  
        Enumeration District 17  
        Enumeration District 18  
        Enumeration District 20

HOUSE DISTRICT 54 SHALL CONSIST OF:

    Coosa County (all)

    In Talladega County:

        All Sylacauga Division except:  
            Enumeration District 699A  
        Sycamore-Winterboro Division

HOUSE DISTRICT 55 SHALL CONSIST OF:

    In Talladega County:

        Childersburg Division  
        Renfore-Lanier Division  
        Talladega Division

    In Lincoln-Eastaboga Division:  
        Enumeration District 656A

**HOUSE DISTRICT 56 SHALL CONSIST OF:**

In St. Clair County:

All of St. Clair County except:

In the Springville Division, Town of Springville,  
 Enumeration District 859  
 Enumeration District 860 and  
 in the Remainder of Springville Division,  
 Enumeration District 865

**HOUSE DISTRICT 57 SHALL CONSIST OF:**

In Calhoun County:

All of Census Tracts 18, 21, 22, 23, 24, and that part of Census  
 Tract 25 not included in Blocks 210, 211, 333, 334, 335, 336, 337  
 Census Tract 20, less Block Groups 2 and 3

**HOUSE DISTRICT 58 SHALL CONSIST OF:**

In Calhoun County:

Census Place 1325 and 0200 of the Anniston Division;  
 And  
 In the remainder of the Anniston Division (Census Place 9999)  
 Tract 1p, 4p, 5p, 6p, 11p, 12p; and  
 All of Census Tracts 13, 15, 16, 17 and only that part of Census  
 Tract 25 included in Blocks 210, 211, 333, 334, 335, 336, 337  
 Tract 0001 (city part)  
 Tract 0004, less Block Group 4, Block Group 6 and Block 550  
 Tract 0014, less Block Group 1

**HOUSE DISTRICT 59 SHALL CONSIST OF:**

In Calhoun County:

All of Anniston City except that part in Tract 1  
 In Tract 4 in the Remainder of Anniston Division, Block Group 4,  
 Block Group 6 and Block 550  
 In Tract 14 in the Remainder of Anniston Division, Block Group 1  
 Tract 19 in the Remainder of Anniston Division  
 In Tract 20 of the Choccoloco Division, Block Group 2 and Block  
 Group 3  
 Tract 0010p in the Remainder of the Anniston Division.

**HOUSE DISTRICT 60 SHALL CONSIST OF:**

Clay County

Cleburne County

Munford Division of Talladega County

All of Lincoln-Eastaboga Division of Talladega County, except  
 Enumeration District 656A

Calhoun County

Ohatchee Division

HOUSE DISTRICT 61 SHALL CONSIST OF:

- All of Randolph County
- In Chambers County:
  - All of the Five Points Division
  - All of the Milltown Division
  - All of the Lanett Division
  - Only E. D. 108 of the LaFayette Division

HOUSE DISTRICT 62 SHALL CONSIST OF:

- All of Tallapoosa County not included in E. D. 185 and E. D. 187 of the Camp Hill Division

HOUSE DISTRICT 63 SHALL CONSIST OF:

- In Chambers County:
  - In Remainder of LaFayette Division:
    - Enumeration District 107
  - The Waverly Division
- In Tallapoosa County:
  - In Camp Hill Division:
    - Enumeration District 185
    - Enumeration District 187
- In Lee County:
  - All of the City of Auburn, except Tract 0405p of the Auburn-Opelika Division
  - In remainder of Auburn-Opelika Division:
    - Tract 0404p
      - Block Group 4
        - Blocks 404 and 405
    - Tract 0406p
    - Tract 0409p
    - Tract 0411p
    - Tract 0412p of Enumeration District 529
  - All of Loachapoka-Roxana Division except Tract 0410, Block 215

HOUSE DISTRICT 64 SHALL CONSIST OF:

- In Chambers County:
  - All Lafayette City in Lafayette Division
  - Enumeration District 109 of Lafayette Division
  - All Langdale Division
- In Lee County:
  - Beulah Division
  - In Auburn-Opelika Division
    - Block Groups 1, 2, 3(p) and 4 of Tract 0411(p) in City of Opelika
    - Tract 0412(p) of City of Opelika
    - Tract 0413
    - Tract 0414
    - Block Group 2

Blocks 205-215

In Tract 417:

Block Group 1

Block Group 2

Block Group 3

Blocks 323 and 326

Blocks 315-317, 324 and 325 in City of Opelika

In Remainder of Auburn-Opelika Division

In Tract 0412:

Blocks 101 through 109 of Block Group 1

HOUSE DISTRICT 65 SHALL CONSIST OF:

All of Russell County except Phenix City Division

In Lee County:

In Auburn-Opelika Division:

Auburn City:

Tract 0405(p)

Opelika City:

Tract 0405(p)

All of Tract 0414 except Blocks 205-215

All of Tract 0415

All of Tract 0416

In Tract 0417(p):

Block Group 3, except Blocks 315, 316, 317, 324p and 325p

In Remainder of Auburn-Opelika Division:

Tract 0404p, less Blocks 404 and 405

Tract 0405p

Tract 0417p

Block Group 3, less Blocks 323 and 326

All of Beauregard-Marvin Division

All of Smiths-Salem Division

In Loachapoka-Roxana Division

Tract 0410

Block 215

HOUSE DISTRICT 66 SHALL CONSIST OF:

In Russell County:

All of Phenix City Division

HOUSE DISTRICT 67 SHALL CONSIST OF:

All of Bullock County

All of Macon County

HOUSE DISTRICT 68 SHALL CONSIST OF:

Pike County

In Barbour County:

Louisville Division

Clayton Division



Eufaula Division, remainder  
 Enumeration District 325  
 Enumeration District 326A  
 Enumeration District 327A

HOUSE DISTRICT 69 SHALL CONSIST OF:

In Barbour County:  
 Clio Division  
 In Henry County:  
 Abbeville Division  
 In Dale County:  
 Ozark Division  
 Echo Division,  
 Enumeration District 650  
 Fort Rucker Division, remainder  
 Enumeration District 667  
 Enumeration District 668

HOUSE DISTRICT 70 SHALL CONSIST OF:

In Barbour County:  
 All of Eufaula Division, except  
 Enumeration District 325,  
 Enumeration District 326A,  
 Enumeration District 327A in remainder of Eufaula Division  
 All of Bakerhill Division  
 In Henry County:  
 All of Shorterville Division  
 All of Haleburg Division  
 All of Headland-Newville Division  
 In Houston County:  
 Tract 0416  
 Tract 0417  
 Tract 0419  
 Enumeration District 764 in remainder of Gordon Division  
 Tract 0418p in Gordon Division (Town of Gordon)

HOUSE DISTRICT 71 SHALL CONSIST OF:

In Houston County:  
 Tract 0402, less Block Groups 1-4 and 9 and Blocks 601-603,  
 609-615, 617-620, 632-633  
 Tract 0404  
 Tract 0414p, Block Groups 3 and 4  
 Tract 0405  
 Tract 0406  
 Tract 0407  
 Tract 0408, except Taylor town, Block Group 1 (outside city)  
 and Blocks 205-208

Tract 0410

Tract 0411

Tract 0412

Tract 0413

Tract 0415

Blocks 404-419, 422, 423, 431-434, 634, 714-730

Block Group 5

Tract 0414, Block Groups 1 and 2

# HOUSE DISTRICT 72 SHALL CONSIST OF:

In Dale County

Daleville Division

Newton-Midland City Division

Enumeration District 669

Enumeration District 666 of Fort Rucker Division

Enumeration District 651 and

Enumeration District 652 of the Echo Division

Enumeration District 670 of the Fort Rucker Division

Newton Town of the Fort Rucker Division

In Houston County:

Tract 0401

Tract 0403

Tract 0402:

Block Group 1

Block Group 2

Block Group 3

Block Group 4

Block Group 9

Block Group 6

Blocks 601-603, 609-615, 617-620, 632 and 633

Tract 0408:

Block Group 1 (outside city)

Blocks 205-208

Tract 0415, less Blocks 404-419, 422, 423, 431-434

634 and 714-730 and Block Group 5

# HOUSE DISTRICT 73 SHALL CONSIST OF:

In Coffee County:

Enumeration District 264

Enumeration District 267

Geneva County

In Houston County:

Madrid Division

Cottonwood Division

In Remainder of Gordon Division:

Enumeration District 765

Dothan Division

Tract 0409

Tract 0408 Taylor town only

HOUSE DISTRICT 74 SHALL CONSIST OF:

All of Coffee County except:

Enumeration District 264

Enumeration District 267

HOUSE DISTRICT 75 SHALL CONSIST OF:

All of Covington County

HOUSE DISTRICT 76 SHALL CONSIST OF:

In Elmore County:

The Tallasse Division

The Eclectic Division

The Wetumpka Division

The Titus Division

The Elmore Division, except

Block Group 1 of Tract 0104p in the Prattville City part,  
the remainder of Elmore Division Tract 0104p

Block Group 1 and Enumeration District 976

HOUSE DISTRICT 77 SHALL CONSIST OF:

In Montgomery County:

Montgomery Division

Tract 0001

Tract 0002

Tract 0003

Tract 0004

Blocks 114, 201, 202, 407, 408, 410-414 and 501-512

Block Group 6, 7, 8

Tract 0006

Tract 0007

Block 204

Tract 0015

Block Group 5

Block Group 7

Block Group 2

Blocks 106, 107, 111-122, 124, 301-315, 317-321, 401-406,  
409, 410, 416-417, 419, 450 and 451

Tract 0051.01, Blocks 913, 928, 929, 932, 935, 936, 940, 941, 951,  
955, 958, 960, 961, 963, 964, 965, 966, 968, 969, 971, 973, 989, 801,  
802, 904, 910, 911, 912, 927, 942, 959

Tract 0051.02

Tract 0051.03

Tract 0011, Block Groups 1, 5, 7 and 8

Blocks 201, 203, 204, 205, 209, 210, 211, 212, 215, 222, 225,  
604, 605, 615, 625, 626, 628, 629, 632, 634

Tract 0053.01

Tract 0025

**HOUSE DISTRICT 78 SHALL CONSIST OF:**

In Montgomery County:

Ramer Division

Pike Road Division

Pine Level Division

Mt. Meigs Division

Hope Hull Division:

Tract 0059.01

Blocks 101-103, 110, 111p and 909p

Enumeration District 1031A

Enumeration District 1033T

Montgomery Division

Tract 0029

Tract 0032

Tract 0051.01, Blocks 945, 943, 962p, 949

Tract 0054.01

Tract 0056.02

Tract 0054.03

Tract 0054.04

Tract 0054.05

Tract 0056.03, except Blocks 902, 903, 945, 946, 947, 948, 949, 950, 951

In Remainder of Montgomery Division

Tract 0056.03p

**HOUSE DISTRICT 79 SHALL CONSIST OF:**

In Montgomery County:

Montgomery Division

Tract 0004

Block Group 3

Blocks 106, 103, 105, 113, 117, 109, 118, 102, 101, 209, 210, 208, 211, 207, 205, 206, 115, 112, 111, 212, 213, 204

Tract 0016

Tract 0017

Tract 0027

Tract 0026

Tract 0005

Tract 0019

Tract 0018

Tract 0053.02

Tract 0054.02

**HOUSE DISTRICT 80 SHALL CONSIST OF:**

In Montgomery County:

Tract 0011

- Block 601
- Block Group 3, less Blocks 302-303 and 330
- Block Group 4, less Blocks 412-419
- Tract 0010
- Tract 0013
  - Block Group 2
    - Blocks 111-114, 301, 308-309
- Tract 0022
  - Blocks 301-311, 403, 405-411, 422, 601-608, 701-710 and 903
  - Block Group 5
  - Block Group 8
  - Block Group 1
  - Block Group 2
- Tract 0023
  - Block Group 1, less Blocks 101, 106-107
  - Block Group 2, 3, 5
    - Blocks 401-407, 409-416, 418
- Tract 0024
- Tract 0060.01
  - Block Group 1, 2
    - Blocks 901-924, 930, 931, 988, 989
- Tract 0009
- Tract 0030

HOUSE DISTRICT 81 SHALL CONSIST OF:

In Montgomery County:

Montgomery Division

- Tract 0007
  - Block Group 1, 5, 6, 7
  - Block Group 2
    - Blocks 201-203, 205-207
  - Block Group 3
    - Blocks 301-308
  - Block Group 4
    - Blocks 401-408
- Tract 0012
  - Block Groups 1-4, 6-8
  - Block Group 5
    - Blocks 501-502, 504, 505, 507-509, 515, 516
- Tract 0013
  - Block Group 1, less Blocks 111-114
    - Blocks 402, 403, 405, 415, 401, 406, 407, 408, 409, 410, 411, 302-307, 310-315
- Tract 0011
  - Blocks 216-220, 224, 302-303, 330, 412-419
- Tract 0023
  - Blocks 101, 106-107

Tract 0020  
Tract 0021  
Tract 0028  
Tract 0033  
Tract 0031  
Tract 0014  
Tract 0056.03

Blocks 902, 903, 945, 946, 947, 948, 949, 950 and 951

HOUSE DISTRICT 82 SHALL CONSIST OF:

In Autauga County:

Billingsley Division

Prattville Division

Marbury Division

In Elmore County:

Deatsville Division

Elmore Division

Block Group 1 of Tract 0104p in the Prattville City part

Enumeration District 976

The Remainder of Elmore Division

Tract 0104p Block Group 1

HOUSE DISTRICT 83 SHALL CONSIST OF:

Wilcox County, less the Alberta Division and less Enumeration District 32

Lowndes County

Montgomery County

Montgomery Division

Tract 0060.02

Hope Hull Division

Tract 0059.02

Tract 0059.01, less Blocks 101-103, 110 111p, 909p, and

Enumeration Districts 1031A and 1033T

In Dallas County:

Enumeration Districts 59 and 60

HOUSE DISTRICT 84 SHALL CONSIST OF:

Butler County

Crenshaw County

HOUSE DISTRICT 85 SHALL CONSIST OF:

In Dallas County:

City of Selma

Enumeration District 52-U

Enumeration District 52-V

Enumeration District 51

Enumeration District 50

Enumeration District 52-T

In Autauga County:  
 Autaugaville Division

HOUSE DISTRICT 86 SHALL CONSIST OF:

All of Perry County

In Dallas County:

Enumeration District 55  
 Enumeration District 69  
 Enumeration District 53  
 Enumeration District M-62  
 Enumeration District 61  
 Enumeration District 67  
 Enumeration District 66  
 Enumeration District 68  
 Enumeration District 54  
 Enumeration District 58  
 Enumeration District 57  
 Enumeration District 65  
 Enumeration District 63  
 Enumeration District 56-A  
 Enumeration District 56-B

Town of Orrville

In Wilcox County

Alberta Division

Enumeration District 32

HOUSE DISTRICT 87 SHALL CONSIST OF:

All of Marengo County

In Hale County:

River Bend Division  
 Prairie Eden-Newbern Division  
 Greensboro Division  
 Mt. Herman Valley Division  
 Sawyerville Division

HOUSE DISTRICT 88 SHALL CONSIST OF:

Greene County

Except Boligee Division and Enumeration District 185 and 188  
 of the Forkland-Tishabee Division

Pickens County

Aliceville Division  
 Carrollton Division  
 Ethelsville Division  
 Raleigh Division

Hale County

Moundville Division  
 Stewart-Akron Division

Tuscaloosa County

Fosters Division

Big Sandy-Duncanville Division

Tract 0125, less Block Group 1 in Tuscaloosa City part, and less  
Blocks 102, 105p, 107, 111, 112 and 123 in the Remainder of the  
Tuscaloosa Division

HOUSE DISTRICT 89 SHALL CONSIST OF:

Tuscaloosa County

Coker Division

Elrod-Moore's Bridge Division

Samantha Division

Windham Springs Division less Tuscaloosa City part

Tract 0104.01

Tuscaloosa Division part of

Tract 0102

Pickens County

Gordo Division

Reform Division

HOUSE DISTRICT 90 SHALL CONSIST OF:

Sumter County

Choctaw County

Greene County

Boligee Division

Forkland-Tishabee Division, ED 185 and 188

HOUSE DISTRICT 91 SHALL CONSIST OF:

Escambia County

HOUSE DISTRICT 92 SHALL CONSIST OF:

Clarke County

In Baldwin County:

Stockton Division

In Washington County:

Millry Division, except Enumeration District 126T

In Remainder of Chatom Division, Enumeration District 129

In Wagarville Division, Enumeration District 130

HOUSE DISTRICT 93 SHALL CONSIST OF:

Conecuh County

Monroe County

HOUSE DISTRICT 94 SHALL CONSIST OF:

In Baldwin County:

Foley Division

Fairhope Division

All of the Daphne Division except Blocks 101 thru 154; 156 thru  
159; 197, 198, 199; 209 thru 223, in the remainder of Daphne  
Division.



HOUSE DISTRICT 95 SHALL CONSIST OF:

In Baldwin County:

Bay Minette Division

Elberta Division

Summerdale Division

All of Robertsdale Division

Remainder of Daphne Division

Blocks 101 thru 154, 156 thru 159, 197, 198, 199, 209 thru  
223, in the remainder of Daphne Division.

HOUSE DISTRICT 96 SHALL CONSIST OF:

In Washington County:

Enumeration District 127

Enumeration District 128

Enumeration District 126T

Enumeration District 131

Enumeration District 132

Enumeration District 133

Enumeration District 134

Enumeration District 135

Enumeration District 136

In Mobile County:

In Citronelle Division:

In Tract 0059:

Enumeration District 532

Enumeration District 533A

Enumeration District 533B

Tract 0060

Remainder Mobile Division,

In Tract 0061p:

Blocks 810, 811, 812, 813, 814

Enumeration District 571

Remainder Mobile Division of Tract 0034.03: (Partial)

Block Group 4

Block 504

Block 510p

Blocks 901, 905, 906

In Semmes Division:

In Tract 0062:

Enumeration District 535

Enumeration District 536

Enumeration District 534

Tract 0063

In Tanner-Williams Division of Tract 0064:

Block Group 1

Block Group 2

Blocks 301-307

Block 319, 320, 322, 323  
 Block Group 4  
 Block 901, 906  
 Blocks 801-819  
 Block 821, 822, 823, 843, 846, 849

HOUSE DISTRICT 97 SHALL CONSIST OF:

In Mobile County:

Mobile City:

Tract 0038.02p

Tract 0052p

Mobile Division:

Tract 0038.02p

Tract 0038.99

Tract 0052p

Tract 0053p

Tract 0054p

Tract 0056p

Tract 0057p

Creola Town:

Tract 0038.02p

Tract 0057p

Chickasaw City:

Tract 0038.02p

Tract 0050p

Tract 0051

Tract 0052

Tract 0053p

Tract 0054p

Saraland City:

Tract 0038.02p

Tract 0054p

Tract 0055

Tract 0056p

Tract 0057p, (Block 924p, 923p, 988p, 922)

Satsuma City:

Tract 0056p

Tract 0057p

Mt. Vernon Division:

Tract 0058:

Enumeration District 525-529

Saraland City:

Tract 0061p

Remainder of Mobile Division:

Tract 0061p:

Blocks 227, 801-809, 815-834, 901, 904-906, 912, 913p, 918,  
 919, 924, 944, 958, 964, 970, 972, 976, 978p, 979p, 980, 981, 982

HOUSE DISTRICT 98 SHALL CONSIST OF:

In Mobile County:

Mobile Division:

Mobile City:

Tract 0026 (Partial), Blocks 101, 102, 115, 602, 604 and 605

Prichard City:

Tract 0034.01p (Block 122)

Tract 0034.02p

Mobile City:

Tract 0039.01p

Prichard City:

Tract 0039.01p

Mobile City:

Tract 0039.02p

Prichard City:

Tract 0039.02p

Prichard City:

Tract 0050p

Tract 0040

Tract 0041

Tract 0042 (Partial)

Block Group 1

Blocks 201-203

Blocks 210-219

Block Group 3

Mobile City:

Tract 0045p

Blocks 101p, 124p, 125p

Prichard City:

Tract 0045p

Tract 0046 (Partial)

Block Group 1

Block Group 2

Tract 0047

Tract 0048

In Mobile City:

Tract 0049p

In Prichard City:

Tract 0049p

Tract 0061p

HOUSE DISTRICT 99 SHALL CONSIST OF:

In Mobile County:

Tract 0005 (Partial) (All except Block Group 3)

Tract 0006

Tract 0007.01

Tract 0007.02

Tract 0008  
 In Remainder of Mobile Division:  
   Tract 0043p  
   Tract 0012.01p  
 In Mobile Division:  
 Mobile City:  
   Tract 0012.01p  
 Prichard City:  
   Tract 0012.01p  
 Mobile City:  
   Tract 0026 (All except Blocks 101, 102, 115, 602, 604 and 605)  
   Tract 0038.01  
 Prichard City:  
   Tract 0042 (Partial)  
     Blocks 204-209  
 Mobile City:  
   Tract 0043p  
   Tract 0044p  
   Tract 0045p (Blocks 113p, 128p, 129p)  
     Block Group 2p (Block 204p)  
 Prichard City:  
   Tract 0043p  
   Tract 0044p  
   Tract 0046 (Partial) (Block Group 3 only)

HOUSE DISTRICT 100 SHALL CONSIST OF:

In Mobile County:  
 In Mobile Division:  
 In Mobile City:  
   Tract 0034.03  
   Tract 0034.04  
   Tract 0034.05 (Partial) (All except Block 133)  
   Tract 0036.01  
   Tract 0036.02  
   Tract 0036.03  
   Tract 0037.01  
 In Tanner-Williams Division (Partial):  
   Tract 0064  
     Blocks 308-318  
     Blocks 831-842, 844, 845  
     Block Group 9  
     Enumeration District 543  
     Enumeration District 542T  
     Enumeration District 542U  
     Blocks 847, 848, 850-856  
 In Remainder Mobile Division:  
   Tract 0034.03

Blocks 501, 502, 503

Blocks 907, 908, 911, 914, 930

HOUSE DISTRICT 101 SHALL CONSIST OF:

In Mobile County:

In Mobile Division:

In Mobile City:

Tract 0031 (Partial)

Block Group 2

Blocks 201, 202, 206-210, 220-222, 225-229 and 231

Block Group 3

Tract 0032.01

Tract 0032.02

Tract 0032.03 (Partial)

Tract 0033.01

Tract 0033.02

Tract 0034.01

Tract 0034.02 (Mobile City only)

Tract 0034.05 (Block 133 only)

Tract 0034.06

Tract 0035.01

Tract 0035.02

Tract 0061p:

Block 212p

Block 977p

Block 978p

In Remainder of Mobile Division:

Tract 0061p:

Block 212p

Block 213

Block 977p

Tract 0034.01p

Block 122p

Tract 0034.02p

Block 127p

HOUSE DISTRICT 102 SHALL CONSIST OF:

In Mobile County:

Tract 0009.01, less Block Groups 1 and 2

Tract 0009.02

Tract 0009.03

Tract 0014 (Blocks 501-512, 514 and 515 and Block Groups 4 and 6)

Tract 0015.01

Tract 0023.01, less Blocks 304-306, 310 and 311

Tract 0023.02

Tract 0024

Tract 0025.01  
Tract 0025.02  
Tract 0027  
Tract 0028  
Tract 0029  
Tract 0031 (Partial) (Block 101 only)

HOUSE DISTRICT 103 SHALL CONSIST OF:

In Mobile County:

Tract 0001  
Tract 0002  
Tract 0003  
Tract 0004.01  
Tract 0004.02  
Tract 0005 (Block Group 3 only)  
Tract 0009.01  
Block Groups 1 and 2  
Tract 0010.01  
Tract 0010.02  
Tract 0011  
Tract 0012.02  
Tract 0012.99  
Tract 0013.01  
Tract 0013.02  
Tract 0014, less Blocks 501-512 and 514-515 and  
Block Groups 4 and 6  
Tract 0015.02  
Tract 0016  
Tract 0017  
Tract 0018 (Partial)  
Blocks 101, 102, 104-111, 112-114, 117-119 and 121-124  
Tract 0019.01 (Blocks 101, 102 and 110)  
Tract 0019.02 (Partial)  
Blocks 101-116  
Block 120  
Block 121  
Blocks 302-313

HOUSE DISTRICT 104 SHALL CONSIST OF:

In Mobile County:

In Mobile Division:

In Mobile City:

Tract 0018 (Partial)  
Block Group 2  
Tract 0019.01 (Partial)  
(All except Blocks 101, 102 and 110)  
Tract 0019.02 (Partial)

Block 117

Block Group 2

Blocks 314 and 315

Tract 0020

Tract 0021

Blocks 101-109 and 112-118

Block Group 2

Block Group 3

Block Group 4

Tract 0022

Tract 0023.01

Blocks 304-306, 310 and 311

Tract 0030

Tract 0031 (Partial)

Block Group 2, less Blocks 201, 202, 206-210, 220-222, 225-229 and 231

Tract 0037.02

Tract 0068p (Partial)

Block Group 230p

In Mobile Division (Partial):

Tract 0068:

Block Group 1

Block Group 2

Block Group 3

In Mobile County:

In Theodore Division:

Tract 0069 (Partial):

Blocks 125, 126, 151, 152

Tract 0070 (Partial)

Block Group 1, except Blocks 137-140

Block Group 9

Tract 0071 (Partial):

Enumeration District 557

Enumeration District 558

Enumeration District 559

# HOUSE DISTRICT 105 SHALL CONSIST OF:

In Mobile County:

In Grand Bay Division:

Tract 0065

Tract 0066

Tract 0067

In Theodore Division (Partial):

Tract 0069 (Partial)

Block Group 1, Minus Blocks 125, 126, 151, 152

Block Group 3

Block Group 2  
 Tract 0070 (Partial):  
     Blocks 137-140  
 Tract 0071 (Partial):  
     Block Group 1  
 In Bayou la Batre Division:  
     Tract 0072.01  
     Tract 0072.02  
     Tract 0072.99  
     Tract 0073

**Section 2.** The Senate of the Alabama Legislature shall consist of 35 members and the state is hereby divided into 35 senatorial districts for the election of one senator from each district at-large. Each Senator shall reside in the district he represents. Each senatorial district shall be composed of districts into which the state is divided by Section 1 of this Act for the purpose of electing members of the House of Representatives of the Alabama Legislature as follows:

- District 1 House District Nos. 1, 2 and 3;
- District 2 House District Nos. 4, 5 and 6;
- District 3 House District Nos. 7, 8 and 9;
- District 4 House District Nos. 10, 11 and 12;
- District 5 House District Nos. 13, 14 and 15;
- District 6 House District Nos. 16, 17 and 18;
- District 7 House District Nos. 19, 20 and 21;
- District 8 House District Nos. 22, 23 and 24;
- District 9 House District Nos. 25, 26 and 27;
- District 10 House District Nos. 28, 29 and 30;
- District 11 House District Nos. 31, 32 and 33;
- District 12 House District Nos. 34, 35 and 36;
- District 13 House District Nos. 37, 38 and 39;
- District 14 House District Nos. 40, 41 and 42;
- District 15 House District Nos. 43, 44 and 45;
- District 16 House District Nos. 46, 47 and 48;
- District 17 House District Nos. 49, 50 and 51;
- District 18 House District Nos. 52, 53 and 54;
- District 19 House District Nos. 55, 56 and 60;



District 20 House District Nos. 57, 58 and 59;  
 District 21 House District Nos. 61, 62 and 63;  
 District 22 House District Nos. 64, 65 and 66;  
 District 23 House District Nos. 67, 68 and 69;  
 District 24 House District Nos. 70, 71 and 72;  
 District 25 House District Nos. 73, 74 and 75;  
 District 26 House District Nos. 76, 77 and 78;  
 District 27 House District Nos. 79, 80 and 81;  
 District 28 House District Nos. 82, 83 and 84;  
 District 29 House District Nos. 85, 86 and 87;  
 District 30 House District Nos. 88, 89 and 90;  
 District 31 House District Nos. 91, 92 and 93;  
 District 32 House District Nos. 94, 95 and 97;  
 District 33 House District Nos. 102, 98 and 99;  
 District 34 House District Nos. 100, 101 and 96;  
 District 35 House District Nos. 103, 104 and 105.

**Section 3.** All laws or parts of laws which conflict with this act are hereby repealed, and Act No. 81-1049, 1981 Second Special Session is hereby expressly repealed and shall have no other effect of law.

**Section 4.** The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 5.** The provisions of this Act shall be effective for the election of members of the House of Representatives and for the election of Senators in the Alabama Legislature at the general election of 1982, and until each house of the Legislature, respectively, is re-apportioned in accordance with the provisions of the Alabama Constitution.

**Section 6.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 1, 1982

Time: 8:25 P.M.

Act No. 82-630

H. 94—Rep. Blake

## AN ACT

To propose an amendment to the Constitution of 1901, to repeal Amendment No. 196, relating to costs and charges of courts and compensation of certain officers in St. Clair County.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The following amendment to the Constitution of 1901, is proposed and shall become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

## PROPOSED AMENDMENT

Amendment No. 196 of the Constitution of 1901, relating to the costs and charges of courts and compensation of certain officers in St. Clair County is hereby repealed.

**Section 2.** An election upon the proposed amendment is ordered to be held at the next general, special or statewide election after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

**Section 3.** Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

## CONSTITUTIONAL AMENDMENT

Passed the May 27, 1982

Passed the June 1, 1982

Act No. 82-631

S.J.R. 3—Mr. Proctor

## SENATE JOINT RESOLUTION

RELATING TO THE PRINTING OF ACTS AND JOURNALS.

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That the printed Acts and Journals of the First Special Session of 1982 be bound with the printed Acts and Journals of any future special sessions of 1982.

Approved June 2, 1982

Time: 10:40 A.M.

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Act No. 82-632

S.J.R. 4—Mr. Martin

### SENATE JOINT RESOLUTION

EXPRESSING APPRECIATION TO MR. ALBERT A. MARKS, JR., CHAIRMAN OF THE BOARD OF THE MISS AMERICA PAGEANT.

WHEREAS, it is with deep appreciation that the Alabama Legislature recognizes Mr. Albert A. Marks, Jr., Chairman of the Board of the Miss America Pageant, for his contributions to the success of Alabama's largest Independence Day celebration; and

WHEREAS, for the past seven consecutive years, Mr. Marks and the Miss America Pageant board have generously arranged for the appearance of the reigning Miss America at the Miss Point Mallard Pageant held during the Annual Spirit of America Festival in Decatur, Alabama; and

WHEREAS, the participation of Miss America has unquestionably lent considerable prestige to our State festival and has greatly contributed to the success of Alabama's celebration of America's birthday each July 4th at Point Mallard; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most warmly praise Mr. Albert A. Marks, Jr., and express our deep appreciation to him and to the Miss America Pageant Board for their courtesies to the State of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Mr. Marks, in token of our sincere regard and in expression of our hopeful anticipation that he and the board will continue this treasured tradition.

Approved June 2, 1982

Time: 10:40 A.M.

Act No. 82-633

S.J.R. 5—Messrs. Little and Higginbotham

## SENATE JOINT RESOLUTION

MOURNING THE DEATH OF MR. CLAUDE EUGENE MCCOY OF LANETT, ALABAMA.

WHEREAS, the Alabama Legislature has grievously noted the untimely death of Mr. Claude Eugene "Pete" McCoy of Lanett, Alabama, on April 28, 1982, at the age of just 61 years; and

WHEREAS, a prominent Lanett businessman, Mr. McCoy also was a former longtime city councilman, former mayor and a member and past president of the Lanett Kiwanis Club; he was president of the local chapter of Gideons International and was a member of the Moose Club and the Lanett Quarterback Club; and

WHEREAS, Mr. McCoy was a native and lifelong resident of Lanett and was a member of the First United Methodist Church where he had served on the administrative board and had been a Sunday School teacher for some 35 years; and

WHEREAS, Mr. McCoy is survived by his wife, Mrs. Rudene Aaron McCoy; their two sons, Jonathan Kyle and Claude E., Jr.; their daughter, Miss Valeria Nancy McCoy; his mother, Mrs. Darleene Hood; his father, Mr. C. B. McCoy; and by a sister, Mrs. Thelma Johnson, to all of whom we extend our most heartfelt sympathy; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mr. Claude Eugene McCoy of Lanett, Alabama, and direct that a copy of this resolution be sent to his family members that they may know of our deeply shared sorrow in their great and grievous loss.

Approved June 2, 1982

Time: 10:40 A.M.

Act No. 82-634

S.J.R. 6—Mr. Denton

## SENATE JOINT RESOLUTION

COMMENDING AMERICA'S TOP BAND, "ALABAMA"

WHEREAS, the Alabama Legislature notes with great and warm, personal pride the phenomenal rise to stardom by Alabama natives Randy Owen, Jeff Cook and Teddy Gentry of DeKalb County and by

Mark Herndon, the creative vocalists, songwriters and instrumentalists comprising the country music group, "Alabama"; and

WHEREAS, "Alabama" was center stage during the recent Academy of Country Music Awards, sweeping the field with top honors in the three categories of "Entertainer of the Year," "Album of the Year" and "Top Vocal Group"; and

WHEREAS, from start to stardom, "Alabama" in just two short years climbed the summit to reach the top of the chart with numerous hit records and albums, including our own favorite, "My Home's in Alabama," which has focused the eyes and ears of America on our beloved state; and

WHEREAS, it is further to be noted with pride that many of the group's own compositions, as well as a number of those written by other Alabama songwriters, contain material which reflects the composer's memories and close ties with the State of Alabama; and

WHEREAS, "Alabama" is indeed to be commended for its success nationally, and even worldwide, in the field of country music, and is deserving also of our sincere gratitude for the fame brought to our state by the group's recording of "My Home's in Alabama"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we warmly praise and commend "Alabama" as the pride of the State of Alabama and direct that copies of this resolution be presented to Randy Owen, Jeff Cook, Teddy Gentry and Mark Herndon in small token of our sincere gratitude and regard.

Approved June 2, 1982

Time: 10:40 A.M.

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Act No. 82-635

S.J.R. 7— Mr. Martin

#### SENATE JOINT RESOLUTION

COMMENDING MR. JIMMY D. SMITH OF DECATUR, ALABAMA, CHAMBER OF COMMERCE "SMALL BUSINESS PERSON OF THE YEAR."

WHEREAS, Mr. Jimmy D. Smith was recently named "Small Business Person of the Year" by the Decatur, Alabama Chamber of Commerce; and

WHEREAS, Mr. Smith, who has been in the jewelry business for the past 25 years, established Jimmy Smith Jewelers in 1973 which grossed some \$200,000 in its first year of operation, reaching approximately \$1,500,000 in 1982; and

WHEREAS, Mr. Smith's phenomenal business success, in just nine short years, is attributed to his boundless energy, positive outlook on life and to his progressive methods in serving the business community and the public; and

WHEREAS, Mr. Smith is a Certified Master Watchmaker and is a Registered Jeweler, American Gem Society, with one of the only six of the society's accredited gem laboratories in Alabama; he also is a past president of the Jewelers of Alabama Association and is a founder and life member of the Alabama Watchmakers Association; and

WHEREAS, he is a graduate of John C. Calhoun State Community College, which honored him in 1979 as "Most Outstanding Alumnus," and he is a director of both the Alabama Retail and Rack-ing Horse Breeders Associations; and

WHEREAS, Mr. Smith further has served in civic responsibility as a Kiwanian, a former Jaycee which named him "Boss of the Year in 1971," a director of the Decatur Chamber of Commerce, member and past trustee of the Austinville Church of God and as a director of the First American Bank of Decatur; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. Jimmy D. Smith of Decatur, Alabama, as one of our state's most prominent jewelers, and extend our heartiest congratulations on his selection as "Small Business Person of the Year."

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. Smith in small token of our warm praise and regard.

Approved June 2, 1982

Time: 10:40 A.M.

Martin, McDonald, Miller,  
 Mitchem, Parsons, Pearson,  
 Proctor, Robertson, St. John,  
 Smith, Taylor, Teague (B),  
 Teague (J), Vacca, Weeks and  
 White

## SENATE JOINT RESOLUTION

COMMENDING ASTRONAUTS KEN MATTINGLY AND  
 HENRY HARTSFIELD.

WHEREAS, on or about June 27, 1982, the National Aeronautics and Space Administration will launch the fourth flight of the Space Shuttle Columbia from Kennedy Space Center; and

WHEREAS, both astronauts, Captain Ken Mattingly and Henry Hartsfield, are graduates of Auburn University, the former in Aerospace Engineering in 1958 and the latter in Physics in 1954; and

WHEREAS, this unique accomplishment of Auburn University alumni does further attest to the contributions made not only to the exploration of space but to the quality of life by Auburn University and higher education in the State of Alabama; and

WHEREAS, Auburn University has contributed to the space program through the research efforts of its faculty, the work experiences of hundreds of cooperative education students and other interns, and the many alumni who have been employed by NASA and its allied contractors; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express great pride in astronauts Ken Mattingly and Henry Hartsfield and recognize their individual achievements as well as those of their alma mater, Auburn University, and send them and their families our sincerest wishes for a safe journey and a successful mission, and that copies of this resolution be sent to astronauts Mattingly and Hartsfield, the Board of Trustees, and the President of Auburn University.

Approved June 2, 1982

Time: 10:40 A.M.

COMMENDING FRED JASON RHODES OF MONTGOMERY, ALABAMA, WINNER OF THE CULTURAL ARTS AWARD OF THE ALABAMA CONGRESS OF PARENTS AND TEACHERS.

WHEREAS, the Alabama Legislature is pleased to note the outstanding accomplishment of a young Montgomery artist, Fred Jason Rhodes, who was the statewide winner of the Cultural Arts Award of the Alabama Congress of Parents and Teachers; and

WHEREAS, Jason Rhodes, who is the son of Mr. and Mrs. Tommy Rhodes, is an eight-year-old second grade student at Montgomery's Dozier Elementary School; and

WHEREAS, Jason received the prestigious award on May 3, 1982, for his entry entitled, "What Makes Me Smile," an interpretation which reflects young Jason's extraordinary artistic ability and shows early promise of outstanding talent; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Fred Jason Rhodes of Montgomery, Alabama, as the 1st place winner of the Cultural Arts Award—"Reflections Project"—of the Alabama Congress of Parents and Teachers.

BE IT FURTHER RESOLVED, That Jason Rhodes receive a copy of this resolution that he and his parents may know of our sincere warm praise and our very best wishes for his every future success.

Approved June 2, 1982

Time: 10:40 A.M.

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Act No. 82-638

S.J.R. 10—Mr. Robertson

### SENATE JOINT RESOLUTION

HONORING MRS. LULA CORNELIA MORGAN ROBERTS UPON THE OCCASION OF HER 104TH BIRTHDAY.

WHEREAS, the Alabama Legislature is pleased to note the forthcoming 104th birthday, on July 28, 1982, of Mrs. Lula Cornelia Morgan Roberts of Quitman, Mississippi; and

WHEREAS, a native of Chapel Hill, Choctaw County, Alabama, born July 28, 1878, Mrs. Roberts moved to Quitman following her marriage to John Barlow Roberts and they were the parents of nine children; and



WHEREAS, Mrs. Roberts and her family have made their living by farming throughout the years, contributing as good citizens to their community and to the Church; and

WHEREAS, Mrs. Roberts is today the oldest living member, by far, of the Mt. Sterling Baptist Church, which is a member Church of the Choctaw County, Alabama, Baptist Association; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with her children, many grandchildren, great grandchildren and great-great grandchildren, and with her multitude of friends, in extending warm best wishes to Mrs. Lula Cornelia Morgan Roberts on the 104th anniversary of her birth.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Mrs. Roberts at her birthday celebration that she may know of our congratulations and of our warm personal regard.

Approved June 2, 1982

Time: 10:40 A.M.

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Act No. 82-639

H.J.R. 4—Reps. Biddle, Bedsole, Harper (T),  
Cosby, Seibels

### HOUSE JOINT RESOLUTION

URGING ALL LAW ENFORCEMENT OFFICERS AND ALL JUDGES TO RIGIDLY ENFORCE ALABAMA'S LITTER LAW.

WHEREAS, the preponderance of discarded litter and other trash strewn upon roads and highways, along rights-of-way and on other public property in Alabama is a disgrace to our state and is repugnant, not only to our citizens but to out-of-state travelers who are subjected to the sight of uncollected pure-and-simple garbage; and

WHEREAS, that such a situation is allowed to go unchecked we find even more abhorrent, as there are adequate laws in our state which are designed to discourage such indiscriminate actions, and provisions as well to punish those individuals who are in criminal violation of such statutes; and

WHEREAS, in addition to the criminal aspect of littering, the cost for collecting and disposing of such rubbish and debris is monumental and a cost the State of Alabama need not bear if our laws with regard to litter were strictly enforced; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby urge all law enforcement officers in the State of Alabama and all judges to rigidly, and without exception, enforce the laws of our state regarding criminal littering.

BE IT FURTHER RESOLVED, That copies of this resolution be sufficiently distributed and/or publicized so as to advise the aforementioned public officials of this request of the Legislature and that the public also may be aware of our concern with the current utter disregard for Alabama law.

Approved June 2, 1982

Time: 10:40 A.M.

Act No. 82-640

H.J.R. 5—Reps. Biddle, Cabaniss

### HOUSE JOINT RESOLUTION

COMMENDING MRS. MARILYN WAGGONER FOR OUTSTANDING LEADERSHIP AS PRESIDENT OF THE LEGISLATIVE WIVES AND HUSBANDS CLUB.

WHEREAS, Mrs. Marilyn Mitchell Waggoner, the lovely wife of our friend and colleague, Representative James T. Waggoner, Jr., has served for the past four years with utmost capability as President of the Legislative Wives and Husbands Club; and

WHEREAS, during Mrs. Waggoner's term, the organization has numbered among its major accomplishments the placement of replicas of the original chandeliers which once hung in the Capitol stairwells; and

WHEREAS, Mrs. Waggoner, who attended both Auburn University and the University of Alabama in Birmingham, is an actively involved member of the Homewood Church of Christ and is a former member, from 1974-1981, of the Vestavia Hills High School P.T.A. Council; and

WHEREAS, currently employed by the Vestavia Hills Board of Education, she also is a volunteer worker with the March of Dimes and Compassionate Friends, and in 1979 served as chairman of the Vestavia Hills Dogwood Festival; and

WHEREAS, concurrently with her term as president of the Legislative Wives and Husbands Club, Mrs. Waggoner also served the club as its Social Chairman until 1981; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mrs. Marilyn Waggoner both for outstanding leadership as President of the Legislative Wives and Husbands Club and for her involvement in the civic, educational and charitable affairs of her community.

BE IT FURTHER RESOLVED, That Mrs. Waggoner receive a copy of this resolution that she and her husband and their children, Mark Thomas, Marilyn Ann and James Thomas III, as well as her father, Mr. A. M. Mitchell, Jr., may know of our sincere appreciation, warm praise and regard.

Approved June 2, 1982

Time: 10:40 A.M.

Act No. 82-641

H.J.R. 7—Rep. Minus

#### HOUSE JOINT RESOLUTION

HONORING MRS. LULA CORNELIA MORGAN ROBERTS OF QUITMAN, MISSISSIPPI, A NATIVE ALABAMIAN, ON HER 104th BIRTHDAY.

WHEREAS, Mrs. Lula Cornelia Morgan Roberts of Quitman, Mississippi, will be 104 years of age on this July 28, 1982; and

WHEREAS, Mrs. Roberts was born in Chapel Hill, Choctaw County, Alabama, on July 28, 1878, married John Barlow Roberts, and moved to Quitman, Mississippi, to rear their family; and

WHEREAS, Mrs. Roberts is, by far, the oldest living member of the Mt. Sterling Baptist Church (geographically located in Clarke County, Mississippi, but the church is an active member of the Choctaw County, Alabama, Baptist Association); and

WHEREAS, because of Mrs. Roberts exceptionally long life and contributions to her family, church, community, and friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we honor Mrs. Lula Cornelia Morgan Roberts on her 104th birthday and offer her our most sincere congratulations and that a copy of this resolution be sent to Mrs. Roberts.

Approved June 2, 1982

Time: 10:40 A.M.

Act No. 82-642

H.J.R. 12—Rep. Penry

## HOUSE JOINT RESOLUTION

CONGRATULATING MR. LEONARD D. "RED" TRIONE OF DAPHNE, ALABAMA, AS FIREMAN OF THE YEAR FROM THE BALDWIN COUNTY FIRE CHIEF'S ASSOCIATION.

WHEREAS, the Legislature of Alabama takes great pride in congratulating Leonard D. "Red" Trione upon his election as Fireman of the Year by the Baldwin County Fire Chief's Association; and

WHEREAS, he is a native of Daphne, Alabama; he is engaged in the operation of Trione's Grocery Store in Daphne, a business started in 1903 by his father; he attended Daphne State Teachers College; served in the U.S. Army Air Corps during World War II, European Theater Operations; a member of the VFW; American Legion; Knights of Columbus; Woodmen of the World; Christ the King, Catholic Church; and

WHEREAS, he served as Mayor of Daphne and as a member of the City Council; and

WHEREAS, he organized the Daphne Fire Department in 1954 and was elected the first Fire Chief and has been active in the Fire Department since its organization. He is an active member of the Baldwin County Fire Chief's Association; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature of Alabama takes great pride in congratulating Leonard D. "Red" Trione upon his election as Fireman of the Year by the Baldwin County Fire Chief's Association.

BE IT FURTHER RESOLVED, That he receive a copy of this resolution as a mere token of our pride.

Approved June 2, 1982

Time: 10:40 A.M.

Act No. 82-643

H.J.R. 18—Rep. Stout

## HOUSE JOINT RESOLUTION

REQUESTING THE STATE PERSONNEL BOARD TO ESTABLISH POLICIES GIVING PREFERENCE IN STATE EMPLOYMENT TO CITIZENS OF THE STATE OF ALABAMA.

WHEREAS, the State Personnel Board is authorized by law to promulgate rules and regulations for appointments in the classified service of the State; and

WHEREAS, unemployment remains at an extraordinarily high rate in the State of Alabama; and

WHEREAS, periodically vacancies in the classified service become available in the agencies of the State; and

WHEREAS, the State Personnel Board is not required by law to fill these vacancies with the unemployed of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we respectfully urge the State Personnel Board to establish policies to give preference in the state classified service to the citizens of Alabama.

BE IT FURTHER RESOLVED, That the State Personnel Board designate to the appointing authority the names of persons on a register who live outside the State of Alabama.

Approved June 2, 1982

Time: 10:40 A.M.

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Act No. 82-644

H.J.R. 32—Rep. McKee

### HOUSE JOINT RESOLUTION

COMMENDING CHUCK LYNN OF MONTGOMERY, ALABAMA, ON HIS MANY ACCOMPLISHMENTS IN THE FIELD OF BODY-BUILDING.

WHEREAS, the Legislature of Alabama takes great pride in noting the numerous accomplishments of Mr. Chuck Lynn of Montgomery, Alabama, in the field of body-building; and

WHEREAS, on May 15, 1982, Chuck Lynn was recognized in the heavyweight division as being the number six body-builder in the nation during the "Mr. Jr. U.S.A." contest held in Nashville, Tennessee; and

WHEREAS, Chuck has also received the title of "Mr. Alabama" by placing first in this contest in 1978, and he has also placed in the top five in the "Mr. Southeastern U.S.A." contest in 1979, the "Mr. Dixie" contest in 1979, and the "Mr. Montgomery" contest in 1977; and

WHEREAS, he is a native of Montgomery and is a devoted Christian member of the First Baptist Church where he is a valued member of the Church softball team; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend and congratulate Mr. Chuck Lynn on his many outstanding achievements in the sport of body building.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Chuck Lynn and his wife, Beth, as evidence of our high esteem and sincere praise.

Approved June 2, 1982

Time: 10:40 A.M.

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Act No. 82-645

H.J.R. 33—Rep. McKee

### HOUSE JOINT RESOLUTION

EXPRESSING LEGISLATIVE INTENT REGARDING THE TAX EXEMPTION GRANTED MANUFACTURERS OF RAILROAD CARS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the legislative intent in enacting Sections 40-23-4(12) and 40-23-62(17) of the Code of Alabama 1975 was to exempt from sales and use taxation the sales of railroad cars by their manufacturers or builders. The legislature intended that the term "manufacturers and builders thereof" shall include the entity which designs, or is the owner or holder of the design or patent thereon of, railroad cars and sells those cars to the ultimate consumer, even though the actual process of manufacture or fabrication is performed, in whole or in part, by a subsidiary or affiliate of that entity. The legislature intended that this exemption should not be applied by the taxing authority in a narrow, mechanistic manner.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Department of Revenue.

BE IT FURTHER RESOLVED, That the Department of Revenue is ordered to carry out the legislative intent in the enforcement of said statutes.

Approved June 2, 1982

Time: 10:40 A.M.

Act No. 82-646

S.J.R. 14—Mr. Kirkland

## SENATE JOINT RESOLUTION

DESIGNATING MAY 15, ANNUALLY, AS "PEACE OFFICERS MEMORIAL DAY" IN ALABAMA AND URGING THE CONGRESS TO OFFICIALLY DESIGNATE SAID DATE AS NATIONAL "PEACE OFFICERS MEMORIAL DAY."

WHEREAS, National Police Week was celebrated May 10-16, 1982, and May 15 was observed as Peace Officers Memorial Day, as set aside by President John F. Kennedy in 1963 to pay tribute to all law enforcement officers who have given their lives in the line of duty; and

WHEREAS, this date was observed throughout America by law enforcement agencies with special memorial services and commemorative ceremonies as well as appropriate civic activities to honor those who have made the supreme sacrifice for their communities; and

WHEREAS, it is the desire of the Fraternal Order of Police, associate lodges, ladies auxiliaries and law-abiding citizens throughout our State that May 15 be annually observed as "Peace Officers Memorial Day" in Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby declare that May 15 shall henceforth annually be observed as "Peace Officers Memorial Day" in the State of Alabama.

BE IT FURTHER RESOLVED, That the United States Congress and the Alabama Congressional Delegation be notified, by copies of this resolution, of the Alabama Legislature's urgent request for official enactment of appropriate legislation to provide that May 15 be annually observed throughout our land and that said date be included among those dates to be published on calendars as an official day of remembrance.

Approved June 2, 1982

Time: 10:40 A.M.

Act No. 82-647

S.J.R. 18—Mr. Teague (B)

## SENATE JOINT RESOLUTION

**DOUGLAS B. HESTER, LEGISLATIVE COUNSEL TO THE UNITED STATES SENATE, CONGRATULATED.**

WHEREAS, Douglas B. Hester, a native Alabamian, has served the Senate of the United States of America for over thirty years in the Office of Legislative Counsel, and has served for over two years as chief executive officer of that office, with the title Legislative Counsel to the Senate; and

WHEREAS, Douglas B. Hester bears primary responsibility for the actual drafting and preparation of proposed legislation to be introduced in the U.S. Senate; and

WHEREAS, The Senate has recognized Mr. Hester's exceptional merit as the premier law writer of this country recently memorializing this milestone in his career in most complimentary terms in Senate Resolution 328, and in personal remarks by the Honorable Strom Thurmond, Majority Leader of the Senate; and

WHEREAS, Douglas B. Hester was born in Butler County; he is the son of Mack Ellis Hester and Carrie Lottie Taylor Hester of Mobile County; his sister Frances Nelree Hester Montgomery and her husband Col. Hunter M. Montgomery (Ret.) reside in Jefferson County; and

WHEREAS, Douglas B. Hester is married to the former Melissa Hood Fuller, a native of Anderson, S.C., and they have two lovely children, Carlotta and Benjamin; and

WHEREAS, Douglas B. Hester is a product of the public school system of Alabama; a graduate of the University of Alabama and its law school; an Army veteran; a member of the bar of the State of Alabama and of the District of Columbia; and

WHEREAS, Douglas B. Hester is a direct descendent of the pioneer Taylor family of Autauga County, Alabama, of which family four members have served in this legislature: Dr. George M. Taylor of Autauga; William C. Taylor of Mobile; George M. Taylor, Jr. of Autauga; and Sam W. Taylor of Montgomery.

NOW THEREFORE BE IT RESOLVED, that the Legislature of the State of Alabama pauses to commend and congratulate this our native son upon his high achievements and direct that copies of the resolution be transmitted to Mr. Hester, to his parents and to his sister.

Approved June 2, 1982

Time: 10:40 A.M.



Act No. 82-648

S.J.R. 20—Mr. Kirkland

## SENATE JOINT RESOLUTION

DESIGNATING JUNE 10, 11 and 12, 1982, AS THE OFFICIAL  
“ALABAMA BLUEBERRY FESTIVAL.”

WHEREAS, the 2nd annual Alabama Blueberry Festival will be held June 10, 11 and 12, 1982, in Brewton, Alabama, under the auspices of the Blueberry Council which is comprised of representatives of the Brewton Lions, Kiwanis and Rotary Clubs, the Brewton Blueberry Growers Association and the Brewton Chamber of Commerce; and

WHEREAS, it is entirely fitting that such festival is held in Brewton as this is the only town in Alabama from which blueberries are shipped commercially; and

WHEREAS, last year, 15,000 crates of blueberries were shipped from Brewton; and

WHEREAS, Brewton's newest industry anticipates shipping 40,000 crates per year within the next five years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby designate June 10, 11 and 12, 1982, as the official “Alabama Blueberry Festival” and direct that a copy of this resolution be provided for presentation to the chairman of the 1982 Alabama Blueberry Festival.

Approved June 2, 1982

Time: 10:40 A.M.

Act No. 82-649

S.J.R. 21—Mr. Martin

## SENATE JOINT RESOLUTION

HONORING MRS. GENE BRINDLEY HORTON, PROMINENT MORGAN COUNTY EDUCATOR.

WHEREAS, the 1982 retirement of Mrs. Gene Brindley Horton of Hartselle, Alabama, brings to a close an extraordinary career of more than 48 years as an educator in the public schools of Morgan County; and

WHEREAS, Mrs. Horton, the youngest of four daughters of Dr. T. B. Brindley who practiced medicine in Morgan County for 60 years, began her teaching career at the age of 17 at Gravel Ridge

Community in a one room schoolhouse and has continued in service to the youth of Morgan County for 48-1/2 years, forty of which were as a faculty member of Hartselle's Burleson Elementary School; and

WHEREAS, Mrs. Horton who also has taught with the Head Start and Adult Education programs during summer months, holds a B.S. Degree from Florence State University, a Master's Degree from Peabody and her AA Certificate from Huntsville's Alabama A & M University; and

WHEREAS, she is professionally affiliated with both the Alabama and National Education Associations and is a member of Delta Kappa Gamma, a teachers sorority; she also is a member of the First Methodist Church of Hartselle and of the John Robbins Chapter of the DAR; and

WHEREAS, in both length and quality of service, Mrs. Gene Horton is an accomplished professional who has indeed contributed greatly to the future of her beloved county through the education of its youth; she has served with dedication, giving generously of herself, and in so doing has earned the love and respect of the community she profited; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend one of our State's most outstanding educators, Mrs. Gene Brindley Horton of Hartselle, Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mrs. Horton with a copy also provided for her daughter and granddaughter, Mrs. Charles Jene Goodger and Miss Gigi Goodger, that they may all know of our warm praise and regard.

Approved June 2, 1982

Time: 10:40 A.M.

Act No. 82-650

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S.J.R. 24—Messrs. Teague (B), Bailey, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gullledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem,

Parsons, Pearson, Proctor,  
Robertson, St. John, Smith,  
Taylor, Teague (J), Vacca, Weeks  
and White

### SENATE JOINT RESOLUTION

#### MOURNING THE DEATH OF MRS. MARJORIE HILL KOHN OF MONTGOMERY, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Legislature of Alabama notes the death, on May 22, 1982, of Mrs. Marjorie Hill Kohn of Montgomery, Alabama; and

WHEREAS, the daughter of Algie Hardwick and Walton Harris Hill, Mrs. Kohn was a member of one of Montgomery's oldest pioneer families; she is survived by her husband, Mr. Francis M. Kohn, and in addition to her daughter, Marjorie Kohn who is our associate and employee of the Alabama Senate, Mrs. Kohn leaves a second daughter, Mary Walton Upchurch, and a son, Francis H. Kohn; and

WHEREAS, Mrs. Kohn had been a director of the Union Bank and Trust Company of Montgomery since 1942 and was further prominent through involvement in the social and civic affairs of her community as a member of the Montgomery Junior League, Colonial Dames of the Magna Carta and of the English Speaking Union; and

WHEREAS, she also served on the board of the Retired Senior Volunteer Program and the University of Alabama Fine Arts Committee and was a faithful communicant of the Episcopal Church of the Ascension; and

WHEREAS, the death of Mrs. Kohn has indeed left a deep void in the lives of all those she served and who so richly reaped the rewards of her labor on their behalf; she was a lady of deep commitment, singular in personal sacrifice to the benefaction of others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we mourn, we give thanks for the life of Mrs. Marjorie Hill Kohn of Montgomery, Alabama, and direct that her family receive a copy of this resolution in expression of our most heartfelt sympathy and that they may know we deeply share the sorrow of their great and grievous loss.

Approved June 2, 1982

Time: 10:40 A.M.

Act No. 82-651

H.J.R. 19—Reps. Cobb, Carothers, Manley, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R.G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt, Zoghby.

### HOUSE JOINT RESOLUTION

NAMING THE AIRPORT IN MARION COUNTY, ALABAMA, IN MEMORY AND IN TRIBUTE TO THE HONORABLE RANKIN FITE.

WHEREAS, the Honorable Rankin Fite was a truly distinguished Alabamian who served his State and fellow citizens with dignity and in honor; and

WHEREAS, Mr. Fite, of Hamilton in Marion County, Alabama, was a graduate of Starke University School in Montgomery and of the University of Alabama; he was a veteran of World War II who served his country in the United States Army from 1941 until 1946, attaining the rank of first lieutenant; and

WHEREAS, from 1946-1950, Mr. Fite served in the Alabama Senate and in the Alabama House of Representatives from 1950-1958; he served for an additional two terms in the House beginning in 1962, and was twice elected Speaker of the House during his prestigious tenure of service; and

WHEREAS, Rankin Fite was one of this body's most highly respected members who is yet remembered with utmost affection and regard; his public service was a true reflection of his own strength of character and of his depth of integrity; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in beloved memory of and in fitting tribute to a distinguished first citizen of Alabama, we hereby name and designate the airport in Marion County, Alabama, as the "Rankin Fite Airport" and direct that appropriate signs and markers be erected and maintained so designating said facility.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the family of the late Rankin Fite as a memento of this commemorative designation.

Approved June 2, 1982

Time: 10:40 A.M.

Act No. 82-652

H.J.R. 21—Reps. McCorquodale, Smith (M),  
Riddick, Albright, Hall, Smith (J)

### HOUSE JOINT RESOLUTION

COMMENDING MRS. EUNICE JENKINS MERRILL OF HUNTSVILLE, PROPRIETRESS OF ALABAMA'S LEGENDARY EUNICE'S COUNTRY KITCHEN.

WHEREAS, for almost three decades, Mrs. Eunice Jenkins Merrill of Huntsville, Alabama, has opened Eunice's Country Kitchen six days a week, serving breakfast only from 4:30 in the morning until 1:00 p.m.; and

WHEREAS, the restaurant's real "down home," "at home" country atmosphere spells welcome to the crowds of customers who wait patiently for a seat at one of only 10 available tables, and for an unforgettable morning meal of biscuits, country ham, sausage and bacon, red eye gravy, grits, honey and sorghum molasses; and

WHEREAS, a special attraction of the unique restaurant is the "Liar's Table," reserved for "politishins, fisherfolk and preechers"

among other barefaced liars, though Mrs. Merrill welcomes the truthful as well; and

WHEREAS, numbered among the notables who return time and again to Eunice's Country Kitchen are governors, state legislators, national political figures, county and municipal officials, as well as local steady customers, from all walks of life; and

WHEREAS, the phenomenal success of Eunice's Country Kitchen, truly an Alabama landmark, can only be attributed to a rare and wonderful combination of delicious food and an aura of welcome, both supplied in abundance by the establishment's personable proprietress; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mrs. Eunice Jenkins Merrill of Huntsville, Alabama, whom we congratulate as a successful businesswoman, salute as a lovely lady and value as a friend.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mrs. Merrill in small token of our esteem and warm personal regard.

Approved June 2, 1982

Time: 10:40 A.M.

Act No. 82-653

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H.J.R. 23—Reps. McCorquodale, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R.G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley,

Minus, Mitchell, Moore,  
 Naramore, Nevett, Olive, Owens,  
 Parker, Patton, Payne, Pegues,  
 Penry, Rains, Ray, Reed, Riddick,  
 Roberts, Sandusky, Sasser, Seibels,  
 Shavers, Shoemaker, Smith (C),  
 Smith (J), Smith (M), Starkey,  
 Stewart, Stout, Trammell, Tucker,  
 Turner, Turnham, Venable,  
 Waggoner, Ward, Warren,  
 Whatley, Williams, Willis, Wyatt,  
 Zoghby

### HOUSE JOINT RESOLUTION

DESIGNATING MAY 15, ANNUALLY, AS "PEACE OFFICERS MEMORIAL DAY" IN ALABAMA AND URGING THE CONGRESS TO OFFICIALLY DESIGNATE SAID DATE AS NATIONAL "PEACE OFFICERS MEMORIAL DAY."

WHEREAS, National Police Week was celebrated May 10-16, 1982, and May 15 was observed as Peace Officers Memorial Day, as set aside by President John F. Kennedy in 1963 to pay tribute to all law enforcement officers who have given their lives in the line of duty; and

WHEREAS, this date was observed throughout America by law enforcement agencies with special memorial services and commemorative ceremonies as well as appropriate civic activities to honor those who have made the supreme sacrifice for their communities; and

WHEREAS, it is the desire of the Fraternal Order of Police, associate lodges, ladies auxiliaries and law-abiding citizens throughout our State that May 15 be annually observed as "Peace Officers Memorial Day" in Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby declare that May 15 shall henceforth annually be observed as "Peace Officers Memorial Day" in the State of Alabama.

BE IT FURTHER RESOLVED, That the United States Congress and the Alabama Congressional Delegation be notified, by copies of this resolution, of the Alabama Legislature's urgent request for official enactment of appropriate legislation to provide that May 15 be annually observed throughout our land and that said date be included among those dates to be published on calendars as an official day of remembrance.

Approved June 2, 1982

Time: 10:40 A.M.

Act No. 82-654

H.J.R. 25—Rep. Williams

### HOUSE JOINT RESOLUTION

COMMENDING OFFICER IAN WILLIAM "JOHN" LAKE,  
DALEVILLE, ALABAMA.

WHEREAS, Officer Ian William "John" Lake has been selected "Law Enforcement Officer of the Year" for the State of Alabama by the Veterans of Foreign Wars; and

WHEREAS, Officer Lake will represent our Great State in the national competition for the J. Edgar Hoover Award; and

WHEREAS, Officer Lake climaxed a twenty-two year military career while serving at Fort Rucker and joined the Daleville Department of Public Safety 15 September 1966; and

WHEREAS, he has distinguished himself by meritorious service to the City of Daleville and its residents with duties of great responsibility; and

WHEREAS, his expertise in the handling of the duties of a law enforcement officer attests to his professional knowledge, willingness to accept responsibility, attention to detail and the ability to adapt to any assignment or situation; and

WHEREAS, Officer Lake's conscientious actions, diplomatic manner, loyalty and trustworthiness and initiative have demonstrated that he is an outstanding human being; and

WHEREAS, Officer John Lake has made significant contributions to the youth of the community through his involvement in youth sports programs; and

WHEREAS, 20 May 1982 was proclaimed "Ian William 'John' Lake Day" in the City of Daleville; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Officer Lake, Daleville, Alabama, and wish him much success in his national competition for the "J. Edgar Hoover Award".

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Officer Lake in token of our esteem and warm personal regard.



Approved June 2, 1982

Time: 10:40 A.M.

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Act No. 82-655

H.J.R. 36—Rep. Manley

### HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when the two houses adjourn today, Tuesday, June 1, 1982, they adjourn sine die.

Approved June 2, 1982

Time: 2:45 P.M.

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Act No. 82-656

H.J.R. 38—Rep. McKee

### HOUSE JOINT RESOLUTION

CONGRATULATING AND COMMENDING MR. BILL SCHAU OF WSFA-TELEVISION, CHANNEL 12, IN MONTGOMERY, ALABAMA.

WHEREAS, it is with great pleasure that the Alabama Legislature extends heartiest congratulations to Mr. Bill Schaum of Montgomery, Alabama, for outstanding achievement as a professional television film photographer; and

WHEREAS, Mr. Schaum who has been associated with WSFA-Television in Montgomery for the past four years, was recently awarded, on April 24, 1982, the Stan Tarilton Photographer of the Year Award of the Alabama Associated Press Broadcasters Association; and

WHEREAS, it is to be noted that Mr. Schaum's work is viewed not only by those in Alabama within Channel 12's coverage area, but by television viewers nationwide as a result of his films having been aired by all three major networks, CBS and ABC as well as by NBC, with which WSFA-TV is affiliated; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate Mr. Bill Schaum of Montgomery, Alabama, for outstanding professional achievement, and direct that he and WSFA-TV receive copies of this resolution in expression of our warm praise and esteem.

Approved June 2, 1982

Time: 2:45 P.M.

Act No. 82-657

H.J.R. 39—Rep. McKee

# HOUSE JOINT RESOLUTION

CREATING AN INTERIM COMMITTEE TO STUDY THE OPERATION OF ALL STATE CAFETERIAS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim committee to study the operation of all state cafeterias. Such committee shall be composed of three members of the House of Representatives, to be appointed by the Speaker of the House, and three members of the Senate, to be appointed by the President of the Senate. The chairman of the committee shall be chosen by the members.

The members of the committee shall be entitled to their regular pay and per diem expenses, including mileage, for each day in which they are engaged in committee work. Such pay and expenses shall be paid out of any available funds appropriated for use of the legislature. Provided, that the total expenditures of the committee shall not exceed \$2,000.

The committee shall report its findings, recommendations and suggested legislation to the legislature by the third day of the Second Special Session of 1982.

Approved June 2, 1982

Time: 2:45 P.M.

Act No. 82-658

H. 18—Rep. Manley

# AN ACT

To make temporary changes in the election laws of Alabama to permit the implementation of the 1982 legislative redistricting plan.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Temporary Nature of Changes. The provisions of the act shall have effect only from June 7, 1982 through November 2, 1982. During this time period the provisions of this act shall take

precedence over any contrary statutes governing elections. All provisions of this act are repealed effective November 3, 1982.

**Section 2.** Definitions. When used in this act, unless the context plainly indicates otherwise, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(a) "Precinct" refers to a precinct, ward, district, beat or any other subdivision within which voters are assigned to a single polling place.

(b) "List of registered voters" and "list of qualified electors" refer to the alphabetical list of voters that is prepared by the probate judge.

**Section 3.** Changing Precinct Lines. After June 7, 1982, precinct boundaries and voting places may be changed by the county commission (a) only for the purpose of aligning precincts with legislative districts and (b) not later than three weeks after approval by the U.S. Department of Justice of Alabama's legislative districts.

**Section 4.** Notification of Precinct Changes. Immediately upon changing precinct lines the county commission shall file descriptions of the precinct boundaries and polling places with the probate judge and the board of registrars. These descriptions may be in the form of maps. After approval of the changes by the U. S. Justice Department, the commission shall provide descriptions of the precincts and polling places to all television stations, radio stations, and newspapers having general coverage in the county. The commission shall cause to be printed maps of the county in sufficient detail to show the precinct lines and polling places. One such map shall be posted in at least one public place in each precinct. On the day immediately preceding the election the precinct map shall be published in a newspaper of general circulation in the county. The commission is authorized to spend county funds to mail notices of precinct changes to individual voters, but notification by mail is not required. However, if the affected voters are notified by mail, publication of precinct descriptions in a newspaper shall not be required.

**Section 5.** Filing and Certification of Candidates. The filing and certification deadlines for legislative candidates provided by § 17-16-11 are hereby extended as follows:

(a) The deadline for filing declarations of candidacy with the state party chairman is 5:00 p.m. one week after approval by the U. S. Justice Department of the state's legislative districts or July 9, whichever date is later.

(b) The state party chairman shall certify the names of candidates to the secretary of state by 5:00 p.m. five days after the deadline for candidates to file or July 19, whichever is later.

(c) The secretary of state shall certify to the probate judge of each county in which the election is to be held the names of candidates not later than 5:00 p.m. five days after the deadline for receipt of certifications from the state party chairman or July 19, whichever date is later.

**Section 6. List of Registered Voters.** The boards of registrars are authorized to appoint special assistants who may serve without pay and whose only duty shall be to assist the board of registrars in checking and changing voters' precinct assignments.

The county commission shall provide clerical help for the purpose of checking and changing voters' precinct assignments.

The probate judge shall publish a list of qualified electors on or before the twentieth day preceding the regularly scheduled primary as provided by § 17-4-129. In counties where precincts have been changed as a result of legislative redistricting and where the reassignment of voters is not complete at the time appointed for publishing the list of qualified electors, a list of all qualified voters in the county shall be published without the new precinct assignments.

If new precinct assignments are not completed by the time the probate judge must furnish a list of qualified electors to the absentee election manager as provided in § 17-10-5, the probate judge shall furnish a list of all qualified voters in the county without the new precinct assignments. The absentee election manager shall, by reference to the map provided by the county commission, determine the legislative races for which the registrant is eligible to vote and shall send an appropriate ballot. The absentee ballot may be printed so as to contain all legislative races in the county, in which case the absentee election manager shall mark out those races in which the applicant is not eligible to vote. The absentee election manager shall record beside the voter's name on the list of registered voters the legislative district to which the voter was assigned. This list shall be returned to the probate judge after the election and preserved by him for use in the event of contest and for use by the board of registrars in updating their records.

**Section 7. Session Days for Registrars.** In counties where legislative district lines are changed in 1982, the boards of registrars are hereby authorized to hold sessions every working day from June 7 to the date of the regularly scheduled primary in the fall, as necessary. The board shall be paid for these days as provided by § 17-4-153 even though the number of days worked exceeds those authorized in § 17-4-156.

**Section 8. Polling Procedures in Counties Where Changes Cannot be Made in Time for Primary Election.** If upon recommenda-

tion of the probate judge and the board of registrars the county commission determines that voters' precinct assignments cannot be changed in time for the regularly scheduled primary, the commission may by its own action authorize the election to be held under existing precinct lines, in which case the following additions and exceptions to polling place procedures shall apply in those precincts that are split by legislative district lines.

(a) **Determining Voters' Legislative Districts.** The addresses of voters may be printed on the list of registered voters. A list of registered voters may be printed before the close of registration so that the list can be marked to indicate each voter's legislative district. If such a list of registered voters is printed before the close of registration, a supplemental list shall be printed, if necessary, after the close of registration.

Each polling place shall be provided by the county commission with one or more precinct maps showing the new legislative lines. These maps shall be of sufficient detail, including street names, so as to permit quick location of voters' residences. In addition to the poll workers now provided by law, map readers may be employed to determine at the polling place the legislative districts in which voters reside. The map readers shall be appointed by the county commission from recommendations submitted by the board of registrars and probate judge. The commission is not required to use the qualifications for poll workers in appointing map readers. Map readers may operate at a separate location within the polling place and shall provide to each voter who requests district identification a slip of paper indicating the legislative district in which the voter resides.

The voter's legislative district shall be recorded next to the voter's name on the list of registered voters when the voter's registration is checked, if the district has not been so recorded prior to election day. In the event of disagreement over the voter's proper legislative district, the voter shall be permitted to vote in the legislative district of his choice by means of a challenged ballot as now prescribed by law, in which case the word "challenged" and the legislative district shall be written next to the voter's name on the list of registered voters.

After the election the list of registered voters shall be returned to the office of the probate judge where it shall be preserved for use in contests and pre-contest discovery and for use by the board of registrars to correct their records. Photo copies of the list of registered voters may be made for use by the board of registrars.

(b) **Voting Mechanism.** Where proper ballots are regularly used for election, the voters for legislative candidates shall also be cast on paper ballots under the procedures now prescribed by law. Where voting machines are regularly used, the county commission shall

determine whether votes in legislative races are to be cast on voting machines or on paper ballots. If voting machines are used, a sufficient number of machines shall be obtained and set up so as to permit each voter in the precinct to vote in the legislative race for which he is eligible and only in the legislative race for which he is eligible. If paper ballots are used for legislative races where voting machines are used for other races, the following rules shall apply:

(1) A separate paper ballot shall be provided for each unique set of legislative races in which any voter in the precinct is eligible to vote.

(2) One ballot box of metal, wood, or cardboard shall be provided at each voting machine.

(3) Before the polls open the inspector at each machine, or the chief inspector where voting centers are used, shall designate one or more polling officials to initial the backs of paper ballots. These officials so designated shall record their initials on a sheet of paper which shall be returned with the paper ballots. These initials shall be shown to the clerk who operates each voting machine, and a copy of the initials may be provided to him.

(4) Each voter shall be given the appropriate paper ballot for his legislative district at the point where his name is checked on the list of registered voters. Each ballot given to a voter shall have on the back the initials of an election official as prescribed above.

(5) The voter shall complete the paper ballot in the voting machine booth, fold the ballot to conceal its contents, show the initials on the back of the ballot to the official tending the voting machine, and deposit the ballot in the ballot box. The official at the voting machine shall challenge any paper ballot that is not properly initialed.

(6) Paper ballots shall be counted after the polls close by the same officials who read and record the vote totals from the machines. The vote totals of the legislative race shall be recorded on the same statement of canvass with the votes of other races.

**Section 9.** The county is authorized to pay all actual and necessary expenses incurred in the implementation of the legislative redistricting plan adopted by the Alabama Legislature in 1982.

**Section 10.** The effective date of this act is June 7, 1982.

Approved June 2, 1982

Time: 2:45 P.M.

Act No. 82-659

S. 9—Messrs. deGraffenried, Mitchem, Proctor, Higginbotham, Robertson, Teague (B), Keener, Figures, Denton, Little, Parsons, Callahan, Cook, Goodwin, Miller, Kirkland, Martin, Gullledge, Harrison, Britnell, Hilliard, McDonald, Teague (J), Bailey, Holmes, Lemaster, Pearson and Vacca

### AN ACT

To provide in addition to benefits now received, a retirement cost-of-living increase to all persons retired under the Teachers' Retirement System and Employees' Retirement System of Alabama, prior to October 1, 1981, provided that no person whose retirement under the Employees' Retirement System is based on 51% or more service as an employee of an employer participating under Section 36-27-6, shall be entitled to receive said increase unless the employer by which he was employed elects to come under the provisions of this Act; provided further that employees in this class whose employer was a local board of education or a state supported institution of higher education shall be entitled to said increase and the cost associated therewith shall be financed from appropriations to the Employees Retirement System and the Teachers' Retirement System under certain conditions; to provide that any person whose eligibility to receive Medicaid benefits would be impaired by the increase granted herein shall not be entitled to receive said increase; to provide that such increase shall not apply to persons receiving benefits under the Judicial Retirement Fund of Alabama; and to provide for the funding of the increases granted and the repeal of conflicting laws.

### *Be It Enacted by the Legislature of Alabama:*

**Section 1.** There is hereby provided, commencing October 1, 1982, to any person retired prior to October 1, 1981, under the Teachers' Retirement System or Employees' Retirement System of Alabama and who is receiving a retirement allowance therefrom, a cost-of-living increase of \$1 per month for each year of creditable service attained by said member; provided any person retired under the provisions of Section 36-27-7, or 36-27-7.1, Code of Alabama 1975 shall receive an increase of \$.50 per month for each year of creditable service attained by said member. In addition to the foregoing amount an additional \$1 per month increase may be granted upon the occurrence of certain conditions set forth in Section 5 of this Act; provided any person retired under the provisions of Section 36-27-7, or 36-27-7.1, Code of Alabama 1975 may receive an additional \$.50 per month increase upon the occurrence of certain conditions pursuant to Section 5 of this Act. Effective October 1, 1983, the full increase of \$2 per month shall become effective and shall be funded pursuant to Section 5 of this Act; provided any person retired pursuant to Section 36-27-7,

or 36-27-7.1 Code of Alabama 1975 shall receive an increase of \$1 per month, and said increase shall be funded pursuant to Section 5 of this Act.

**Section 2.** Any person retired under the Judicial Retirement Fund of Alabama as provided for in Title 12, Chapter 18, Code of Alabama 1975, shall not be deemed a retiree of the Teachers' or Employees' Retirement System of Alabama for purposes of this Act and shall not be entitled to receive the cost-of-living increase provided.

**Section 3.** (a) There is hereby appropriated from the Special Educational Trust Fund to the Teachers' Retirement System of Alabama \$2,858,843. In addition to the foregoing amount it is the intent of the legislature that the sum of \$3,290,460, said amount being appropriated in excess of the required amount to fund the Teachers' Retirement System of Alabama for the 1981-82 fiscal year, be used to fund the provisions of this Act. It is further provided that any funds available from the earnings, assets or appropriations to the Teachers' Retirement System of Alabama in accordance with Section 5 of this Act are hereby allocated and expended as may be necessary to carry out the provisions of this Act.

(b) There is hereby appropriated from the Special Educational Trust Fund to the Employees' Retirement System of Alabama \$49,750 for the fiscal year beginning October 1, 1982, or such amounts as are necessary to carry out the provisions of this Act, as they relate to retired employees of local boards of education and state institutions of higher education who are retired under the Employees' Retirement System. In addition, it is further provided that any funds available from the assets of or the appropriation to the Employees' Retirement System of Alabama in accordance with Section 5 of this Act are hereby allocated and expended as may be necessary to carry out the provisions of this Act.

(c) 1. There is hereby appropriated from the General Fund to the Employees' Retirement System of Alabama \$1,462,030 for the fiscal year beginning October 1, 1982. In addition, it is further provided that any funds available from the earnings, assets or the appropriations to the Employees' Retirement System of Alabama in accordance with Section 5 of this Act are hereby allocated and expended as may be necessary to carry out the provisions of this Act.

(c) 2. The board of control of the Employees' Retirement System of Alabama shall determine annually the amount required to pay the cost of the increased allowances under Section 1 of this Act and shall notify the chief fiscal officer of each employer the per centum rates of earnable compensation of the members required to be paid to the retirement system. Each employer of members of the Employees'



Retirement System of Alabama shall pay on account of the increases provided in Section 1 of this Act in the same manner and from the same source of funds as is provided in Section 36-27-24 of the Code of Alabama 1975, it being the intent of the legislature that the cost of providing the increases in Section 1 of this Act shall be distributed from all funds in proportion to the salaries paid therefrom for active members.

(d) Subsequent appropriations to the Teachers' and Employees' Retirement Systems shall be reduced to only the amount necessary to fund the benefit increases herein provided in Section 1 of this Act.

(e) No person whose retirement under the Teachers' or Employees' Retirement System is based on 51% or more service as an employee of an employer participating under Section 36-27-6 of the Code of Alabama 1975, shall be entitled to the benefits provided in Section 1 of this Act, unless such employer elects to come under the provisions of said section. Any employer making such election, except local boards of education and state institutions of higher education for which funding is provided above herein, must bear the cost of cost-of-living increases paid to its former employees pursuant to this section. Any employer participating under Section 36-27-6 may elect to come under the provisions of this section at the beginning of any future fiscal year and said employer shall not be required to pay said cost-of-living increase retroactively.

**Section 4.** Any person who receives benefits under the Medicaid program and whose eligibility for such benefits would be impaired by the cost-of-living increase provided in Section 1 of this Act shall not be entitled to receive said increase. Any person who shall subsequently apply for benefits under the Medicaid program and such person's eligibility to receive benefits is impaired by the cost-of-living increase provided in Section 1 of this Act, shall not be entitled to receive said increase subsequent to the date the member files application for benefits under the Medicaid program.

**Section 5.** It is the intent of the Legislature that the additional cost-of-living increase granted to certain retired persons under the provisions of this Act be financed, if possible, from existing funds of the Employees' Retirement System and the Teachers' Retirement System under the following provisions and conditions:

A. (1) If the regular Actuarial firm employed by the boards of control of the Employees' and Teachers' Retirement Systems finds that the authorized additional cost-of-living increase can be paid for the fiscal year 1982-83 from existing funds of the systems without having serious adverse impact actuarially on the retirement systems, the boards of control of the retirement systems are hereby authorized

and instructed to pay such additional cost-of-living increase beginning October 1, 1982. It is the intent of this legislation as pertains to future like funding, that such funding shall be made in accordance with Section 16-25-28, Code of Alabama 1975, as pertains to actuarial soundness.

(2) Further provided, if the actuarial report is not received by October 1, 1982, but meets the above condition when it is received during fiscal year 1982-83, then the cost-of-living increase shall be paid retroactively to October 1, 1982.

B. If the conditions in "A" above are not met, the full cost-of-living increase shall be paid beginning October 1, 1983, and the cost of this benefit shall be included in the amount certified by the board of control to be contributed by the State under the provisions of Sections 16-25-21 or 36-27-24, Code of Alabama 1975, or any other applicable provision of law.

The provisions of this section shall govern and override any seeming or actual conflicts with other provisions of this Act.

**Section 6.** The provisions of this Act are supplemental. It shall be construed in pari materia with other laws regulating and providing for the payment of retirement benefits to retired members of the Teachers' and Employees' Retirement Systems of Alabama; however, those laws or parts of laws which are in direct conflict or inconsistent herewith are hereby repealed.

**Section 7.** The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 8.** The provisions of this Act shall become effective October 1, 1982, following its passage by the Alabama Legislature and approval by the Governor or upon its otherwise becoming a law.

Approved June 3, 1982

Time: 2:59 P.M.

Act No. 82-660

H.J.R. 10—Reps. Smith (C), Johnson (Roy)  
Cheatwood

## HOUSE JOINT RESOLUTION

ENCOURAGING THE USE OF ALABAMA LABOR, PRODUCTS AND MATERIALS FOR CONSTRUCTION PROJECTS FINANCED BY BOND ISSUE FUNDS.

WHEREAS, the State of Alabama is currently experiencing its highest rate of unemployment in recent history, second only to that of the State of Michigan; and

WHEREAS, the plight of these thousands of unemployed Alabamians no doubt weighed heavily on the minds of the Alabama electorate which gave a statewide stamp of approval to the sale of bonds to finance state construction projects which would, in turn, increase job opportunities in Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we strongly encourage the current administration to request, or to require if necessary, that for all state construction projects financed by bond issue proceeds, contractors shall use Alabama labor, products and materials whenever possible.

BE IT FURTHER RESOLVED, That a copy of the resolution be sent to Governor James that he may be advised of the legislature's commitment to more jobs for the unemployed of Alabama.

Approved June 4, 1982

Time: 5:00 P.M.

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Act No. 82-661

H. 2—Rep. McCorquodale

### AN ACT

To provide for an increase in the court costs which may be imposed upon conviction, in the municipal court of the City of Thomasville, Clarke County, for violation of any municipal ordinance, in addition to all such costs presently authorized by law and to provide that such additional sums be paid into the general fund of the City of Thomasville, Clarke County, and used by it for law enforcement and judicial purposes.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** That in addition to all court costs which are presently authorized to be imposed in the municipal court of the City of Thomasville, Clarke County, Alabama, under Section 12-14-14 of the Code of Alabama of 1975, the governing body of said municipality is hereby authorized to impose, by enactment of an ordinance, additional court costs, not to exceed \$10.00, upon each conviction in said municipal court for violation of any municipal ordinance.

**Section 2.** All such additional costs, so imposed, shall be paid into the general fund of said municipality of Thomasville and shall be used by it solely for the law enforcement and judicial purposes within said municipality and its police jurisdiction.

**Section 3.** All laws or parts of laws which conflict with this act are hereby repealed.

**Section 4.** The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 5.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law. Provided, however, the provisions of this Act shall become effective only upon the adoption of an amendment to the Constitution authorizing the changes of court costs in Clarke County by general or local laws, proposed in the current session of the legislature.

Approved June 4, 1982

Time: 5:00 P.M.

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Act No. 82-662

H. 4—Rep. Stout

### AN ACT

To authorize the DeKalb County Commission to make appropriations and expenditures from the general fund to the DeKalb County Association for Retarded Citizens, Inc., a non-profit corporation, for the purpose of assisting said association with the education, training, rehabilitation and similar assistance to retarded citizens of DeKalb County.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The County Commission of DeKalb County is hereby authorized and empowered to make appropriations and expenditures from its general fund to the DeKalb County Association for Retarded Citizens, Inc., a non-profit corporation, for the purpose of providing said association with the financial assistance in providing education, training, rehabilitation and similar assistance to retarded citizens of DeKalb County, Alabama.

**Section 2.** The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 3.** All laws or parts of laws which conflict with this act are hereby repealed.

**Section 4.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 4, 1982

Time: 5:00 P.M.

Act No. 82-663

H. 14—Rep. Waggoner

## AN ACT

Relating to Shelby County, to amend Sections 3, 11, and 12 of Act No. 62, H. 213, First Special Session 1977 (Acts 1977, p. 1483), as amended, relating to fire protection and emergency medical services districts, so as to provide further for the composition and tax-exemption of such districts and to provide for retroactive effect.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Sections 3, 11, and 12 of Act No. 62, H. 213, First Special Session 1977 (Acts 1977, p. 1483), as amended, are hereby amended further to read as follows:

“Section 3. Any area situated entirely within the county may be established as a district for fighting fires and for emergency medical services in the manner hereinafter provided for; provided, however, no land lying within the boundaries of a municipality or an existing fire fighting and emergency medical services district at the time of the election shall be included in a district.

“Section 11. The district shall constitute a public corporation, which shall have the power to do any and all acts or things necessary and convenient for carrying out the purposes for which it is created including, but not limited to: To sue and be sued. To have a seal and alter the same at pleasure. To acquire, hold and dispose of property, real and personal, tangible and intangible, or interests therein and to pay therefor in cash or on credit, and to secure and procure payment of all or any part of the purchase price thereof on such terms and conditions as the board shall determine. To acquire, own, operate, maintain and improve a system or systems. To pledge all or any part of its revenues, or mortgages, or otherwise encumber, all or any part of its property for the purpose of securing the payment of the principal of and interest on any of its obligations. To sell, lease, mortgage, or otherwise encumber or dispose of all or any of its property, as herein-after provided. To contract debts, borrow money and to issue or assume the payment of obligations. To levy and collect service charges, as herein provided in this act, subject to limitations prescribed in said act. To negotiate and enter into contracts with residents of areas outside the district or with other districts to furnish fire and/or emergency medical protection and to charge fees for such service. To employ agents, servants, and attorneys. To perform any and all of the

foregoing acts and to do any and all of the foregoing things under, through or by means of its own officers, agents, and employees, or by contracts with any person, federal agency or municipality.

"The property and income of the district, all bonds issued by the district, the income from such bonds, conveyances by or to the district, and leases, mortgages and deeds of trust by or to the district shall be exempt from all taxation in the State of Alabama, including specifically the tax imposed by Section 40-21-82 of the Code of Alabama 1975, as amended. The district shall be exempt from all taxes levied by any county, municipality, or other political subdivision of the state, including, but without limitation to, license and excise taxes imposed in respect of the privilege of engaging in any of the activities that a district may engage in. The district shall not be obligated to pay or allow any fees, taxes or costs to the judge of probate of any county in respect of its incorporation, the amendment of its certificate of incorporation, or the recording of any document. The provisions of this paragraph of Section 11 shall be retroactive and shall apply from the date the district was first established.

"Section 12. (a) The expense of establishing and maintaining a district shall be paid for by the proceeds of a service charge which shall be levied and collected in an amount sufficient to pay said expense. Said service charge shall be levied upon and collected from persons and properties served by the system. Such charge shall be a personal obligation of the owner of the property served by the system; and to secure the collection of the charge there shall be a lien against said property in favor of the district, which lien shall be enforceable by sale thereof in the same manner in which the foreclosure of a municipal assessment for public improvements is authorized.

"(b) A property owner who owns a structure, used solely as a residence, which at the time of its original construction was situated on a county line, may avoid the payment of a service charge which is based upon the presence of such structure; if (1) at no time between June 14, 1977, and the effective date of this amendment, was such structure assessed for taxes in Shelby County, (2) at no time between June 14, 1977, and the effective date of this amendment, was any homestead exemption claimed for such structure in reduction of taxes assessed in Shelby County, (3) the property owner furnishes proof to the district, of an agreement between such property owner and another district or municipality located in the county within whose boundaries the remaining portion of the structure is located, to provide fire fighting and emergency medical services to such property owner's property so long as the structure is existent, and (4) the property owner furnishes to the district (A) an irrevocable waiver of liability absolving the district from any and all liability for failure

to respond to calls for fire fighting or emergency medical services to any portion of such owner's property contiguous to the aforesaid structure, and (B) an agreement that any service charges imposed with respect to future construction on the property shall constitute a lien upon the entire property located within the district, including the property upon which the residence is situated.

“(c) The provisions of Section 12(b) may be applied retroactively in respect of unpaid service charges if (1) in the opinion of the board of trustees the waiving of previously imposed service charges will have no significant impact on the financial viability of the district, and (2) the district has long term debt outstanding, the aggregate amount of which is such that retroactive waiver for all properties covered by section 12(b) is no more than one-tenth of one percent (0.1%) of the amount of such long term debt then outstanding.”

**Section 2.** The provisions of this amendatory act shall have retroactive effect on June 14, 1977.

Approved June 4, 1982

Time: 5:00 P.M.

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Act No. 82-664

H. 22—Rep. Moore

## AN ACT

Relating to Shelby County; to direct the judge of probate to transfer all records and lists in his custody relating to electors and voting to the board of registrars of Shelby County and to direct the board of registrars to perform certain duties heretofore performed by the probate judge and to supply the probate judge from time to time with certain information necessary to the fulfillment of his lawful duties; to require any funds accruing in connection with the use or sale of all lists to be paid into the county treasury of Shelby County and to regulate the use thereof and to repeal conflicting laws.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The judge of probate of Shelby County is hereby directed to transfer all records and lists in his custody relating to electors or voting to the board of registrars of Shelby County. The board of registrars shall, upon request, supply to the probate judge from time to time such transferred information or lists as may be necessary to the fulfillment of his lawful duties.

**Section 2.** The duty of preparing and keeping up to date the list of qualified electors of the county specifically is hereby transferred from the judge of probate to the board of registrars, and such board

shall prepare such lists and keep them up to date without charge to the county and shall furnish such copies thereof to the judge of probate as are necessary for him to fulfill his lawful duties.

**Section 3.** Should any funds accrue from the sale of copies or use of the list of qualified electors authorized to vote at any election or at any particular polling place or in any particular part of Shelby County, such funds shall be deemed the property of Shelby County and shall be promptly deposited in the general fund of the county and thereafter may be used for general governmental purposes.

**Section 4.** The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 5.** All laws or parts of laws which conflict with this act are hereby repealed.

**Section 6.** This act shall become effective immediately upon its approval by the Governor, or upon its otherwise becoming a law.

Approved June 4, 1982

Time: 5:00 P.M.

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Act No. 82-665

H. 68—Rep. Venable

### AN ACT

To amend Act No. 78-843 relating to Elmore County excise and privilege tax on the severance of clay, sand, and gravel in said county so as to provide for the administration and collection of such tax by the state department of revenue.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Act 78-843, is hereby amended to read as follows:

“Section 1. Definitions. When used in this act, unless the context plainly indicates otherwise, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- (a) “Department” means the state department of revenue.
- (b) “Person” means any individual, firm, partnership, corporation, association, or any combination thereof.
- (c) “Producer” means any person engaging in the business of severing clay, sand and gravel from the soil within Elmore County.
- (d) “Purchaser” means any person acquiring title, outright or conditionally, to any interest in severed clay, sand and gravel.



(e) "Severing" means cutting, mining, stripping, or otherwise taking or removing from the soil within Elmore County.

(f) "Ton" means a short ton of 2,000 pounds.

(g) "Transporter" means any person transporting clay, sand and gravel from the place where it is severed or from any other place to any other place, within or without Elmore County.

Section 2. Severance tax levied. There is hereby levied, in addition to all other taxes imposed by law, an excise and privilege tax on every person severing clay, sand and gravel within Elmore County. The tax shall be paid to the department of revenue at the rate of one cent per ton by every producer who severs clay, sand and gravel within Elmore County.

Section 3. Producer reports and payments. Every producer shall within twenty (20) days after the end of each calendar month, whether or not he shall have severed or sold any clay, sand and gravel during that month, file with the department of revenue a report which shall set forth, in a form prescribed by the department, the amount of clay, sand and gravel in tons, of any, severed or sold, as the case may be, by such producer during the next preceding calendar month; the point of severance thereof; the amount of tax due; and such other information as the department may reasonably require for the proper enforcement of the provisions of this act. The producer shall accompany such report with payment of the full amount of the tax shown to be due. The report shall be signed by the producer himself in the case of an individual producer, or by a member, officer, or manager of the producer in other cases.

Section 4. Purchaser and transporter reports. Purchaser and transporters of clay, sand and gravel severed in Elmore County shall file a report with the department of revenue, on forms prescribed by the department, within twenty (20) days after the end of each calendar month in which such purchaser or transporter purchased or transported clay, sand and gravel severed in Elmore County. The report shall state the names and addresses of all producers in Elmore county from whom such purchaser or transporter has received clay, sand and gravel during such calendar month; the total quantity of clay, sand and gravel so acquired; and, in the case of a transporter, to whom and where each ton of clay, sand and gravel was delivered; and such other information as the commissioner may reasonably require for the proper enforcement of the provisions of the act. The report shall be signed by the purchaser or transporter himself in the case of an individual purchaser or transporter, or by a member, officer or manager of the purchaser or transporter in all other cases.

Section 5. The tax imposed by this act shall constitute a debt due Elmore County and may be collected by civil suit, in addition to all other methods provided by law. The said tax, together with interest thereon, shall constitute and be secured by a lien upon the property of any person from whom said tax is due. All provisions of the revenue law of this state which apply to the enforcement of liens for taxes due the state shall apply fully to the collection of the county tax levied herein, and the state department of revenue for the use and benefit of Elmore County shall collect such taxes and enforce this act and shall have and exercise for such collection and enforcement all rights and remedies that this state or department has for collection of the state stone severance tax. The state department of revenue shall have full authority to employ such special counsel as it deems necessary from time to time to enforce collection of the tax levied by this act, and to otherwise enforce the provisions of the act, including any litigation involving the act; and the department of revenue shall pay such special counsel's fee, as it deems necessary and proper from the proceeds of the taxes collected by it for Elmore County.

Section 6. The state department of revenue shall charge Elmore County for collecting the county tax levied herein, an amount or percentage of total collections not to exceed ten percent of the total amount of tax collected hereunder. Such charge for collecting the tax for the county may be deducted each month from the proceeds of the tax before certifying the amount thereof due Elmore County for that month.

Section 7. The Elmore county treasurer shall deposit the net proceeds of the clay, sand and gravel tax collected hereunder during the preceding month to the account of the Elmore County general fund.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws which conflict with this act are hereby repealed.

Section 10. This act shall become effective October 1, 1978."

**Section 2.** This act shall become effective on the first day of the second month following its passage and approval by the Governor or upon its otherwise becoming a law.

Approved June 4, 1982

Time: 5:00 P.M.

Act No. 82-666

H. 69—Rep. Venable

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AN ACT

Relating to Elmore County; increasing the fee for a pistol permit or license; providing for the disposition of the proceeds from such fees; and repealing Act No. 642, H. 1522, 1975 Regular Session (Acts 1975, p. 1398).

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** In Elmore County, in addition to any fee or fees provided for by law there shall be an additional issuance fee for a pistol permit or license as provided for in Section 13-6-155, Code of Alabama 1975, in the amount of ten dollars.

**Section 2.** One dollar of each fee collected under Section 1 of this act shall be paid into the county general fund and the remaining nine dollars of each fee shall be deposited by the sheriff of any such county in any bank located in his county, into a fund known as the sheriff's law enforcement fund. Such fund shall be drawn upon by the sheriff or his duly authorized agent and shall be used exclusively for law enforcement purposes.

**Section 3.** The establishment of the sheriff's law enforcement fund as provided in this act and the use of such fund shall in no way diminish or take the place of any other imbursement or other source of income established for the sheriff or the operation of his office.

**Section 4.** All laws or parts of law which conflict with this act are hereby repealed and specifically Act No. 642, H. 1522, 1975 Regular Session, (Acts 1975, p. 1398) is hereby repealed.

**Section 5.** The provisions of this act shall become effective October 1, 1982.

Approved June 4, 1982

Time: 5:00 P.M.

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Act No. 82-667

H. 6—Reps. Coburn, Gafford

## AN ACT

To amend and re-enact Act No. 82-465, S. 353, 1982 Regular Session, which extensively amends Sections 40-18-5, 40-18-15, 40-18-19, 40-18-25, 40-18-30, 40-18-35, 40-18-71 and 40-18-81, Code of Alabama 1975, relating to state income tax exemptions, exclusions, deductions for individuals, married persons, corporations and charitable entities, so as to further provide therefor and to make certain provisions conform to federal laws, and so as to correct a technical error.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Act No. 82-465, S. 353, 1982 Regular Session, is hereby further amended and re-enacted to read as follows:

"To further amend Sections 40-18-5, 40-18-14, 40-18-15, 40-18-19, 40-18-25, 40-18-30, 40-18-35, 40-18-71, and 40-18-81 Code of Alabama 1975, relating to the income tax so as to change the rates of taxation, enable married persons to file joint returns, increase the optional standard deduction, conform certain exclusions and deductions to federal law, allow deductions for contributions to individual retirement accounts and individual retirement annuities and to provide for the taxation of distributions from such accounts and annuities, allow deductions for contributions by self-employed individuals to qualified plans on their behalf, conform to federal law the deduction by corporations for contributions to qualified plans, allow exemption from the income tax of certain charitable, etc. entities which are exempt from federal income tax, provide for the personal exemption not to be prorated in the year of an individual taxpayer's death, and modify the requirements of withholding income taxes to reflect the above.

*"Be It Enacted by the Legislature of Alabama:*

"Section 1. Section 40-18-5, Code of Alabama, 1975, is hereby amended to read as follows:

"§ 40-18-5. Tax on Individuals.

"The tax herein levied and imposed upon every resident of this state, which tax is in addition to all other taxes imposed by this title, and which tax shall be assessed, collected and paid annually upon and with respect to his entire net taxable income as herein defined and shall be computed at rates as follows:

"(a) For single persons, head of family and married persons filing separate returns:

"(1) On the excess over the amount exempted herein up to and including \$500.00, two percent.

"(2) On the excess over the amount exempted herein, above \$500.00, up to and including \$3,000.00, four percent.

"(3) On the excess over the amount exempted herein, above \$3,000.00, five percent.

"(b) For married persons filing a joint return:

"(1) On the excess over the amount exempted herein up to and including \$1,000.00, two percent.

"(2) On the excess over the amount exempted herein, above \$1,000.00, up to and including \$6,000.00, four percent.

“(3) On the excess over the amount exempted herein, above \$6,000.00, five percent.

“A like tax is hereby levied and imposed and shall be assessed, collected and paid annually at the rates specified in this section, upon and with respect to the entire net income, as herein defined, except as hereinafter provided, from all property owned and from every business, trade, profession or occupation carried on in this state by natural persons not residents of this state. The tax levied and imposed in this section shall first be assessed, collected and paid in the year 1983 upon and with respect to the taxable income for the calendar year 1982, or for any fiscal year beginning during the year 1982, and in each year thereafter such tax shall be assessed likewise based upon the preceding calendar year or any fiscal year ending during such preceding calendar year. Every natural person domiciled in the state of Alabama, and every other natural person who maintains a permanent place of abode within the state or spends in the aggregate more than seven months of the income year within the state shall be presumed to be residing within the state for the purpose of determining liability for income taxes.”

“Section 2. Section 40-18-14, Code of Alabama, 1975, is hereby amended to read as follows:

“§ 40-18-14. Gross Income of Individuals.

“The term ‘gross income’ as used herein:

“(1) Includes gains, profits and income derived from salaries, wages or compensation for personal services of whatever kind, or in whatever form paid, including the salaries, income, fees and other compensation of state, county and municipal officers and employees, or from professions, vocations, trades, business, commerce or sales, or dealings in property whether real or personal, growing out of ownership or use of or interest in such property; also from interest, royalties, rents, dividends, securities or transactions of any business carried on for gain or profit and the income derived from any source whatever, including any income not exempted under this chapter and against which income there is no provision for a tax. The term ‘gross income’ as used herein also includes alimony and separate maintenance payments with the amount of such included income to be the same as that included in gross income for federal income tax purposes under 26 USCA 71 (relating to alimony and separate maintenance payments) as in effect January 1, 1982. The amount of all such items shall be included in the gross income for the taxable year in which received by the taxpayer unless under the methods of accounting permitted in this chapter any such amounts are to be properly accounted for as of a different period; but

“(2) Does not include the following items which shall be exempt from income tax under this chapter:

“a. Amounts received under life insurance policies and contracts paid by reason of the death of the insured;

“b. Amounts received, other than amounts paid by reason of the death of the insured, under life insurance endowment or annuity contracts, either during the term or at maturity or upon surrender of contracts, equal to the total amount of premiums paid thereon;

“c. The value of property acquired by gift, bequest, devise or descent, but the income from such property shall be included in the gross income;

“d. Interest upon obligations of the United States or its possessions; or securities issued under provisions of the Federal Farm Loan Act of July 18, 1916; or bonds issued by the war finance corporation;

“e. Any amounts received by an individual which are excludable from gross income under 26 USCA 104 (relating to compensation for injuries or sickness) or 26 USCA 105 (relating to amounts received under accident or health plans), both as in effect on January 1, 1982.

“f. Interest on obligations of the state of Alabama and any county, municipality or other political subdivision thereof;

“g. The rental value of a home furnished a minister of the gospel as a part of his compensation, or the rental allowance paid to him as part of his compensation, to the extent used by him to rent or provide a home; or

“h. For each individual resident taxpayer, or each husband and wife filing a joint income tax return, as the case may be, any gain realized from the sale of a personal residence of such taxpayer, with the amount of such excluded income, except as provided herein, to be the same as that allowable for federal income tax purposes under 26 USCA 1034 (relating to rollover of gain on sale of principal residence), as in effect July 20, 1981 and 26 USCA 121 relating to one-time exclusion of gain from sale of principal residence by individual who has attained age 55), as in effect July 20, 1981 (if the election provided for therein is made by such taxpayer for federal income tax purposes, or in the event federal law no longer provides for such election, if the election is made in the manner prescribed by the Commissioner of Revenue. The term ‘new residence,’ as such term is made relevant hereto by the federal statutes, means and includes only property located within the state of Alabama. The commissioner of revenue is authorized to make any rules and regulations necessary to carry out the provisions of this paragraph.

“(3) The term ‘gross income’ shall mean and include all of such income arising from sources within and without the state whether paid to residents or nonresidents, including interest on bonds, notes or other interest-bearing obligations of residents, corporate or otherwise, and all amounts received, although paid under a contract for the sale of goods or otherwise, representing profits in the manufacture and disposition of goods within or without the state of Alabama. It shall also mean and include interest, dividends, except stock dividends as defined herein, or other forms of income from and gains of profits realized upon the sale, exchange or other disposition of all forms of intangible personal property owned by or held anywhere within or without the state of Alabama for the account of any resident or domestic corporation.”

“Section 3. Section 40-18-15, Code of Alabama, 1975, is hereby amended to read as follows:

“§ 40-18-15. Deductions for Individuals Generally.

“(a) In computing net income, there shall be allowed as deductions:

“(1) All ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business, including a reasonable allowance for salaries or other compensation for personal services actually rendered and including rentals and other payments required to be made as a condition of the continued use or possession for the purpose of trade or business of property to which the taxpayer has not taken or is not taking title or in which he has no equity;

“(2) All interest paid or accrued within the taxable year on indebtedness, but, in the case of a nonresident, the proportion of such interest which the amount of gross income from sources within the state of Alabama bears to the amount of gross income from all sources within and without the state of Alabama;

“(3) The following taxes paid or accrued within the taxable year:

“a. Income taxes, Federal Insurance Contribution Act taxes, taxes on self employment income and estate and gift taxes imposed by authority of the United States or any possession of the United States; provided, that the amount of such taxes apportioned by a non-resident taxpayer shall be determined by the ratio that the amount of adjusted gross income received from sources within the state of Alabama bears to the amount of adjusted gross income received from sources within and without the state of Alabama.

“b. State and local, and foreign, occupational license taxes and contributions to state unemployment funds.

“c. State and local, and foreign, real property taxes.

“d. State and local personal property taxes.

“e. State and local general sales taxes.

“f. The windfall profits tax imposed by 26 USCA 4986.

“g. The taxes described in paragraphs c, d, e and f shall be deductible only to the extent that such taxes are deductible for federal income tax purposes under 26 USCA 164 (relating to taxes) and in the case of a non-resident, these taxes shall be apportioned to Alabama by the ratio that the amount of adjusted gross income received from sources within Alabama bears to the amount of adjusted gross income received from sources within and without the state of Alabama.

“h. In addition, there shall be allowed as a deduction state and local, and foreign taxes, except income taxes, and taxes imposed by authority of the United States or any possession of the United States, which are paid or accrued within the taxable year in carrying on a trade or business or an activity described in 26 USCA 212 (relating to expenses for the production of income).

“(4) Losses sustained during the taxable year and not compensated for by insurance or otherwise if incurred in trade or business;

“(5) Losses sustained during the taxable year and not compensated for by insurance or otherwise, if incurred in any transaction entered into for profit, though not connected with the trade or business; but, in the case of a taxpayer other than a resident of the state, only as to such transactions within the state;

“(6) Losses sustained during the taxable year of property not connected with the trade or business, but in the case of a taxpayer other than a resident of the state only of property within the state, if arising from fires, storms, shipwrecks or other casualty or from theft and not compensated for by insurance or otherwise. A loss described in this paragraph shall be allowed only to the extent that the amount of loss to such individual arising from each casualty, or from each theft, exceeds \$100.00. For purposes of the \$100.00 limitation of the preceding sentence, a husband and wife using the rate table in subsection (b) of section 40-18-5 for the taxable year in which the loss is allowed as a deduction shall be treated as one individual. No loss described in this paragraph shall be allowed if, at the time of filing the return, such loss has been claimed on the federal estate tax return;

“(7) Losses from debts ascertained to be worthless and charged off during the taxable year of such ascertainment, if sustained in the conduct of the regular trade or business of the taxpayer during the period covered by an Alabama income tax law;



“(8) A reasonable allowance for the exhaustion, wear and tear of property from which any income is derived including a reasonable allowance for obsolescence;

“(9) In the case of mines, oil and gas wells, other natural deposits and timber, a reasonable allowance for depletion and for depreciation of improvements, according to the peculiar condition in each case based upon the cost, including the cost of development not otherwise deducted, such reasonable allowance in all cases to be made under rules and regulations to be prescribed by the department of revenue; and, in the case of leasehold interests, the deduction allowed by this section shall be equitably proportioned between the lessor and the lessee;

“(10) Charitable contributions to the extent allowed for federal income tax purposes under 26 USCA 170 (relating to charitable contributions and gifts), but not subsection (i) thereof (relating to non-itemized charitable deductions), as in effect on January 1, 1982. In the case of a nonresident individual, this deduction shall be limited to the amount determined by multiplying the amount described in the previous sentence by a fraction, the numerator of which is the taxpayer's adjusted gross income from all sources within the State of Alabama and the denominator is the taxpayer's adjusted gross income from all sources.

“(11) In the case of a resident individual, the deduction allowed such individual for federal income tax purposes by 26 USCA 219 (relating to retirement savings) as amended from time to time;

“(12) The deduction allowed for federal income tax purposes by 26 USCA 404 and 26 USCA 405(c) (relating to qualified pension, profit sharing, stock bonus, annuity or bond purchase plans) as amended from time to time, provided, however, that contributions to such plans on behalf of individuals who are employees within the meaning of 26 USCA 401(c)(1) (relating to self employed individuals) shall be deductible only if such individuals are residents.

“(13) For each individual income taxpayer, medical and dental expenses, including expenses for medicine and drugs and amounts paid for accident and health insurance, paid during the taxable year 1982 and each year thereafter, to the same extent and subject to the same limitations when applied to the taxpayer's adjusted gross income for state tax purposes, as prescribed under the laws of the United States in force and effect January 1, 1982, in relation to income taxes due the United States;

“(14) For each individual income taxpayer, all the ordinary and necessary expenses paid or incurred during the taxable year for the

production or collection of income, or for the management, conservation or maintenance of property held for the production of income;

“(15) Any expense not exceeding \$1,000.00 actually incurred during the taxable year in constructing on his property a family radioactive fallout shelter, as approved and certified by the state department of civil defense, and any amount not exceeding \$1,000.00 which he contributed during the taxable year toward the construction of a community radioactive fallout shelter; and

“(16) a. An amount equal to the aggregate of the net operating loss carryovers to the taxable year, plus the net operating loss carrybacks to such year. For purposes of this subdivision, the term ‘net operating loss deduction’ means the deduction allowed by this paragraph.

“b. 1. A net operating loss for any taxable year ending after December 31, 1974, and before January, 1976, shall be a net operating loss carryback to the tax year preceding the taxable year of such loss. A net operating loss for any taxable year ending after December 31, 1975, and before January 1, 1977, shall be a net operating loss carryback to each of the two taxable years preceding the taxable year of such loss. A net operating loss for any taxable year ending after December 31, 1976, shall be a net operating loss carryback to each of the three taxable years preceding the taxable year of such loss.

“2. A net operating loss for any taxable year ending after December 31, 1976, shall be a net operating loss carryover to each of the five taxable years following the taxable year of such loss.

“c. The entire amount of the net operating loss for any taxable year (hereinafter referred to as the “loss year”) shall be carried to the earliest of the taxable years to which, by reason of paragraph b, such loss may be carried. The portion of such loss which shall be carried to each of the other taxable years shall be the excess, if any, of the amount of such loss over the sum of the taxable income for each of the prior taxable years to which such loss may be carried. For purposes of the preceding sentence, the taxable income for any such prior taxable year shall be computed:

“1. With the modification specified in subparagraph 2 of paragraph e of this subdivision; and

“2. By determining the amount of the net operating loss deduction without regard to the net operating loss for the loss year or for any taxable year thereafter, and the taxable income so computed shall not be considered to be less than zero.

“d. For purposes of this subdivision, the term “net operating loss” means, for any taxable year ending after December 31, 1974,

the excess of the deductions allowed in computing the Alabama income by this section over the gross income in Alabama. Such excess shall be computed with the modifications specified in paragraph e of this subdivision.

"e. The modifications referred to in this subdivision are as follows:

"1. No net operating loss deduction shall be allowed.

"2. No deduction shall be allowed under section 40-18-19 (relating to personal exemptions). No deduction in lieu of any such deduction shall be allowed.

"f. In determining the amount of any net operating loss carry-back or carryover to any taxable year, the necessary computations involving any other taxable year shall be made under the law applicable to such other taxable year.

"g. In the case of a taxable year beginning in 1974 and ending in 1975:

"1. In lieu of the amount specified in paragraph d of this subdivision, the net operating loss for such year shall be that portion of the net operating loss for such year, computed without regard to this subparagraph, which the number of days in the loss year after December 31, 1974, bears to the total number of days in such year.

"2. For purposes of the second sentence of subparagraph 2 of paragraph e of this subdivision, the taxable income for such year shall be that portion of the net income for such year, computed without regard to this subparagraph, which the number of days in such year before January 1, 1975, bears to the total number of days in such year.

"(17) There shall be allowed resident taxpayers a deduction from the taxpayer's adjusted gross income for state income tax purposes of the total cost of installation for conversion from gas or electricity to wood as the primary energy source for heating their individual domestic homes for the taxable year during which such conversion was completed.

"(18) For individual resident taxpayers, alimony and separate maintenance payments, the amount deductible to be the same as the amount deductible for federal income tax purposes under 26 USCA 215 (relating to alimony payments) as in effect January 1, 1982.

"(19) Moving expenses paid or incurred during the taxable year to the same extent that such expenses are deductible, except as provided herein, for federal income tax purposes under 26 USCA 217

(relating to moving expenses), as in effect January 1, 1982. The term "new principal place of work", as such term is made relevant hereto by the federal statute, means and includes only places of work located within the State of Alabama, and the deduction for moving expenses provided for herein shall be allowable only in the event that such "new place of work" is located within the state of Alabama.

"(b) (1) In lieu of the deductions allowable to individual taxpayers, as provided in subdivisions (2), (3), (5), (6), (10), (12) and (13) of subsection (a) of this section, for the taxable years beginning on and after January 1, 1982, at the election of the taxpayer required to use the rate schedule in subsection (a) of section 40-18-5, an optional standard deduction may be taken not to exceed twenty percent of the adjusted gross income or \$2,000.00, whichever is the lesser, and at the election of the taxpayer required to use the rate schedule in subsection (b) of section 40-18-5, an optional standard deduction may be taken not to exceed twenty percent of the adjusted gross income or \$4,000.00, whichever is the lesser and, in addition to said deduction, a deduction for the amount of federal income tax paid or accrued within the taxable year; provided, that in the case of a nonresident taxpayer the deduction for the optional standard deduction shall be an amount equal to the optional standard deduction that would be allowable if the taxpayer were a resident taxpayer, multiplied by the ratio that the amount of adjusted gross income received from sources within the state of Alabama bears to the amount of adjusted gross income received from sources within and without the state of Alabama; and the amount of federal income tax so deductible to Alabama shall be determined by the ratio that the amount of adjusted gross income received from sources within the state of Alabama bears to the amount of adjusted gross income received from sources within and without the state of Alabama.

"(2) The exercise of the election to take the deduction provided for herein is irrevocable for the taxable year for which made and cannot be changed after the time prescribed by law for filing the income tax return; and, if separate returns are filed by husband and wife and one spouse elects to claim the deduction allowed herein, the election to claim such deduction will be denied unless the other spouse also elects to claim the deduction allowed herein.

"(c) The term 'adjusted gross income,' as used in this section, shall mean the gross income as defined by section 40-18-14, less:

"1. The deductions allowed in this section which are attributable to a trade or business carried on by the taxpayer if such trade or business does not consist of the performance of services by the taxpayer as an employee;

"2. Travel expenses, including the entire amount expended for meals and lodging, while away from home in the pursuit of a trade or business;

"3. The deductions allowed by this section, other than expenses of travel, meals and lodging while away from home, which consist of expenses paid or incurred by the taxpayer in connection with the performance by him of services as an employee, under a reimbursement or other expense allowance arrangement with his employer;

"4. The deductions, other than those provided in paragraphs a, e and f, allowed by this section and which are attributable to property held for the production of rents or royalties;

"5. The deductions, other than those provided in paragraph a, for depreciation and depletion, allowed by subdivisions (8) and (9) of subsection (a) of this section to a life tenant of property or to an income beneficiary of property held in trust; and

"6. The deduction, other than those provided in subdivision (1) of this subsection, allowed by section 40-18-8 as losses from the sale or exchange of property.

"(d) In the case of a nonresident individual, the deductions allowed in subdivisions (1), (4), (6), (7), (8), (9) and (12) of subsection (a) of this section shall be allowed only if and to the extent that they are connected with income arising from a source within the state of Alabama, and a proper apportionment or allocation of the deductions with respect to sources of income within and without the state of Alabama shall be determined under rules and regulations prescribed by the department of revenue."

"Section 4. Section 40-18-19, Code of Alabama, 1975, is hereby amended to read as follows:

"§ 40-18-19. Exemptions—Generally.

"(a) The following exemptions from income taxation shall be allowed to every individual resident taxpayer:

"(1) Retirement allowances, pensions and annuities, or optional allowances, approved by the board of control of the teachers' retirement system of Alabama, which exempt status is set out in section 16-25-23;

"(2) Retirement allowances, pensions and annuities or optional allowances, approved by the board of control of the employees' retirement system of Alabama, which exempt status is set out in section 36-27-28;

“(3) Income received as annuities under the United States retirement system from the United States government civil service retirement and disability fund;

“(4) Net income realized by individuals and partnerships from time to time in the business of conducting a financial business employing moneyed capital coming into competition with the business of national banks, but only if such individuals and partnerships are subject to an excise tax imposed by this state on or with respect to such income;

“(5) In the case of a single person or a married person not living with husband or wife, a personal exemption of \$1,500.00 or, in the case of a head of a family or a married person living with husband or wife, a personal exemption of \$3,000.00, but a husband and wife living together shall receive only one personal exemption of \$3,000.00 against their aggregate income, and in case they make separate returns each must claim a personal exemption of \$1,500.00; and

“(6) Three hundred dollars for each person, other than husband or wife, dependent upon the taxpayer, and over half of whose support, for the calendar year in which the taxable year for the taxpayer begins, was received from the taxpayer. For the purposes of this section, ‘dependent’ shall mean: a son or daughter of the taxpayer or a descendant of either; a stepson or stepdaughter of the taxpayer; a brother, sister, stepbrother or stepsister of the taxpayer; the father or mother of the taxpayer or an ancestor of either; a stepfather or stepmother of the taxpayer; a son or daughter of a brother or sister of the taxpayer; a brother or sister of the father or mother of the taxpayer; a son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law or sister-in-law of the taxpayer. As used in this paragraph the terms ‘brother’ and ‘sister’ include a brother or sister by the half blood. For the purposes of determining whether any of the foregoing relationships exist, a legally adopted child of a person shall be considered a child of such a person by blood.

“(b) Of the following personal exemptions allowed resident taxpayers, each nonresident individual taxpayer shall be allowed that proportion thereof that the adjusted gross income received by said nonresident individual taxpayer from sources within the state of Alabama bears to his or her adjusted gross income received from sources within and without the state of Alabama: In the case of a single person or a married person not living with husband or wife, a personal exemption of \$1,500.00 or, in the case of a head of a family or a married person living with husband or wife, a personal exemption of \$3,000.00, a husband and wife living together shall receive but one personal exemption of \$3,000.00 against their aggregate income; and, in case they make separate returns, each must claim a personal exemption of

\$1,500.00; and \$300.00 for each person, other than husband or wife, dependent upon and receiving his chief support from the taxpayer.”

“Section 5. Section 40-18-25, Code of Alabama, 1975, is hereby amended to read as follows:

“§ 40-18-25. Estates and Trusts.

“(a) The tax imposed by this chapter shall apply to the income of estates or of any kind of property held in trust, including:

“(1) Income received by estates of deceased persons during the period of administration or settlement or settlements of the estate;

“(2) Income accumulated in trust for the benefit of unborn or unascertained persons with contingent interests;

“(3) Income held for future distribution under the terms of a will or trust; and

“(4) Income which is to be distributed to the beneficiaries periodically, whether or not at regular intervals, and the income collected by a guardian of an infant to be held or distributed as the court may direct.

“(b) The fiduciary shall be responsible for making the return of income for the estate or trust for which he acts. The net income of the estate or trust shall be computed in the same manner and on the same basis as provided in this chapter for individual taxpayers; except, that the deduction for amounts paid or permanently put aside for a charitable purpose shall be allowed to the extent specified in 26 USCA 642(c) (relating to amounts paid or permanently set aside for a charitable purpose), as in effect on January 1, 1982; and in cases under subdivision (4) of subsection (a) of this section, the fiduciary shall include in the return a statement of each beneficiary’s distributive share of such net income, whether or not distributed before the close of the taxable year for which the return is made.

“(c) In cases under subdivisions (1), (2) and (3) of subsection (a) of this section, the tax shall be imposed upon the net income of the estate or trust using the rate schedule in subsection (a) of section 40-18-5 and shall be paid by the fiduciary; except, that in determining the net income of the estate of any deceased person during the period of administration or settlement, there may be deducted the amount of any income properly paid or credited to any legatee, heir or other beneficiary. In such cases the estate or trust shall be allowed the same exemptions as are allowed to single persons under section 40-18-19, and in such cases the estate or trust created by a person not a resident and an estate of a person not a resident shall be subject to tax only to the extent to which individuals other than residents are liable under subdivision (3) of section 40-18-14.

“(d) In cases under subdivision (4) of subsection (a) of this section, and in the case of any income of an estate during the period of administration or settlement permitted by subsection (c) to be deducted from the net income upon which tax is to be paid by the fiduciary, the tax shall not be paid by the fiduciary, but there shall be included in computing the net income of each beneficiary his distributive share whether distributed or not, of the net income of the estate or trust for the taxable year, or, if his net income for the taxable year is computed upon the basis of a period different from that upon the basis of which the net income of the estate or trust is computed, then his distributive share of the net income of the estate or trust for any accounting period of such estate or trust ending within the fiscal year upon the basis of which such beneficiary’s net income is computed. In such cases the income of a beneficiary of such estate or trust not a resident shall be taxable to the extent provided in subdivision (3) of section 40-18-14 for individuals other than residents, but only to the extent that the income of such trust or estate shall arise from sources within the state. For the purpose of determining any income tax due by any nonresident beneficiary of any such trust or estate, the income from intangible personal property shall not be construed to arise from sources within the state merely because the title and ownership of such intangible personal property is vested in a resident fiduciary or trust or estate or the evidence of ownership thereof is located within the state.

“(e) There shall be exempt from taxation imposed by this chapter income of any qualified trust defined in 26 USCA 401(a) (relating to qualified pension, profit sharing, and stock bonus plans), as amended from time to time; any custodial account, any annuity contract or any contract issued by an insurance company treated as a qualified trust by reason of 26 USCA 401(f) (relating to certain custodial accounts and contracts), as amended from time to time; any individual retirement account, any individual retirement annuity, or any custodial account which is exempt from federal income tax under 26 USCA 408(e) (relating to individual retirement accounts), as amended from time to time; and any retirement bond described in 26 USCA 409 (relating to retirement bonds), as amended from time to time. The foregoing exemption shall not apply to any entity which is not exempt from federal income tax by reason of 26 USCA 502 or 26 USCA 503, both as amended from time to time, and shall not apply to any income which would constitute ‘unrelated business taxable income’ as defined in 26 USCA 512 (relating to unrelated business taxable income), as amended from time to time.

“(f) There shall be exempt from taxation imposed by this chapter income of any trust which is described in section 501(c) (2), 501(c)



(9), 501(c) (11), 501(c) (17), 501(c) (20) or 501(c) (21) of 26 USCA (relating to exemption from tax on corporations, certain trusts, etc.) as amended from time to time. The foregoing exemption shall not apply to any entity which is not exempt from federal income tax by reason of 26 USCA 502 (relating to feeder organizations) or 26 USCA 503 (relating to requirements for exemption), both as amended from time to time, and shall not apply to any income which would constitute 'unrelated business taxable income' as defined in 26 USCA 512 (relating to unrelated business taxable income) as amended from time to time.

"(g) The amount actually distributed or made available to any distributee of any trust described in subsection (e) of this section, any individual retirement account, individual retirement annuity, individual retirement bond, or custodial account which is treated as an individual retirement account shall be taxable to such distributee in the year in which distributed as if it were an annuity the consideration for which is the amount contributed by the employee. Notwithstanding the preceding sentence, distributions which are not included in gross income for federal income tax purposes by reason of the roll-over provisions in 26 USCA 402 (relating to taxability of beneficiary of employees' trust), 26 USCA 403 (relating to taxation of employee annuity), 26 USCA 408 (relating to individual retirement accounts) or 26 USCA 409 (relating to retirement bonds), all the foregoing provisions as amended from time to time, shall not be included in gross income for purposes of this chapter.

"For the foregoing purposes, "the amount contributed by the employee" shall include:

"(1) Amounts contributed prior to January 1, 1982, by an individual for himself, his spouse or both under an individual retirement account, annuity or bond for which no deduction was allowed under section 40-18-15 or corresponding provisions of prior laws of this state.

"(2) Amounts contributed prior to January 1, 1982, by a person described in section 40-18-15(a) (12) to a trust described in subsection (e) of this section 40-18-25 for which no deduction was allowed under section 40-18-15 or corresponding provisions of prior laws of this state.

"(3) The amount included in gross income in prior years by the employee, the distributee, his predecessor in interest, or the trust by reason of the lack of exemption from the tax imposed by this chapter of a trust, individual retirement account, individual retirement annuity or individual retirement bond to which contributions described in (1) and (2) were made.

"(4) The amount included in gross income by the employee, distributee or predecessor in interest as a result of a distribution from

any other trust, individual retirement plan, individual retirement account, individual retirement bond or custodial account because such distribution was not excludable from gross income under the second sentence of this subsection when made or was includable pursuant to 26 USCA 408(m) (relating to investment in collectibles treated as distributions), as amended from time to time.

“(h) The income of a charitable remainder annuity trust or a charitable remainder unitrust (as those terms are defined in 26 USCA 664) (relating to charitable remainder trusts), shall be exempt from the tax imposed by this chapter to the extent provided in 26 USCA 664, as in effect on January 1, 1982. Recipients of distributions from charitable remainder unitrust and charitable remainder annuity trusts shall include in gross income the amounts specified in 26 USCA 664(b) (1) and 26 USCA 664(b) (2) as in effect on January 1, 1982.

“(i) Contributions to a trust made by an employer during a taxable year of the employer which ends within or with a taxable year of the trust for which the trust is not exempt under subsection (e) of this section shall be included in the gross income of an employee for the taxable year in which the contribution is made to the trust in the case of an employee whose beneficial interest in such contribution is nonforfeitable at the time the contribution is made or if the interest of the employee is not nonforfeitable in such year, the fair market value of the employee's interest in the trust shall be included in the gross income of the employee in the year in which it becomes nonforfeitable.”

“Section 6. Section 40-18-30, Code of Alabama, 1975, is hereby amended to read as follows:

“§ 40-18-30. Return When Accounting Period Changes.

“If a taxpayer, with the approval of the department of revenue, changes the basis of computing net income from fiscal year to calendar year, a separate return shall be made for the period between the close of the last fiscal year for which return shall be made and the following December 31. If the change is made from calendar year to fiscal year, a separate return shall be made for the period between the close of the last calendar year for which return was made and the date designated as the close of the last fiscal year. If the change is made from one fiscal year to another fiscal year, a separate return shall be made for the period between the close of the former fiscal year and the date designated as the close of the new fiscal year. If a taxpayer making his first return for income tax keeps his accounts on the basis of a fiscal year, he shall make a separate return for the period between the beginning of a calendar year in which such fiscal year ends and the end of such fiscal year. In all of the above cases the net income shall

be computed on the basis of such period for which separate return is made, and the tax shall be paid thereon at the rate of the calendar year in which such period is included; and, except for the period during which the taxpayer dies, the exemptions allowed in this chapter shall be reduced respectively to amounts which bear the same ratio to the full exemptions provided for as the number of months in such period to 12 months."

"Section 7. Section 40-18-35(11), Code of Alabama, 1975, is hereby amended to read as follows:

"(11) The deduction allowed for federal income tax purposes by 26 USCA 404 and 26 USCA 405, both as amended from time to time.

"Section 8. Section 40-18-71, Code of Alabama, 1975, is hereby amended to read as follows:

"§ 40-18-71. Withholding Tax.

"(a) Every employer, as defined under the laws of the United States in effect July 1, 1982, or as subsequently may be defined, with respect to income tax collected at source, making payment of wages as defined under such laws to employees, shall deduct and withhold upon such wages, reduced by the optional standard deduction provided in subsection (b) of section 40-18-15 and the federal income tax withheld, a tax equal to two percent of the first \$500.00 or less, four percent of the next \$2,500.00 or less, five percent of the excess over \$3,000.00, by which the amount of such wages paid or to be paid in the calendar year by such employer to such employee, exceeds the amount of the exemptions granted to such employee under section 40-18-19, as claimed on a certificate to be filed with the employer in such form and containing such information and detail as may be prescribed by the commissioner, pursuant to the provisions of section 40-18-73.

"(b) At the election of the employer with respect to such employee, the employer may deduct and withhold upon the wages paid to such employee a tax determined on the basis of tables to be prepared and furnished by the commissioner, which tax shall be substantially equivalent to the tax provided in subsection (a) of this section and which shall be in lieu of the tax required in such subsection.

"(c) In determining the amount to be deducted and withheld under this section, the wages may, at the election of the employer, be computed to the nearest dollar.

"(d) The department may, by regulations, authorize employers:

"(1) To estimate the wages which will be paid to any employee in any quarter of the calendar year;

“(2) To determine the amount to be deducted and withheld upon each payment of wages to such employee during such quarter as if the appropriate average of the wages so estimated constituted the actual wages paid; and

“(3) To deduct and withhold upon any payment of wages to such employee during such quarter such amount as may be necessary to adjust the amount actually deducted and withheld upon the wages of such employee during such quarter to the amount that would be required to be deducted and withheld during such quarter if the payroll period of the employee was quarterly.

“(e) The department is authorized to provide by regulation, under such conditions and to such extent as it deems proper, for withholding in addition to that otherwise required under this section and in cases in which the employer and the employee agree to such additional withholding. Such additional withholding shall, for all purposes, be considered the tax required to be deducted and withheld under this chapter.”

“Section 9. Section 40-18-81, Code of Alabama, 1975, is hereby amended to read as follows:

“§ 40-18-81. Optional short tax form.

“(a) With respect to taxable years beginning after December 31, 1981, any individual whose adjusted gross income for the taxable year for which the return is filed does not exceed \$20,000.00 (\$40,000.00 in the case of a married couple filing jointly) may elect to pay a tax determined on the basis of tables prepared and furnished by the commissioner of revenue; provided, that the individual must not have income of more than \$1,500.00 not subject to withholding under the provisions of this article.

“(b) Individuals who elect to pay the tax contained in the tax tables shall file a “short form” provided by the department of revenue.

“(c) The exercise of the election to file the “short form” provided for herein is irrevocable for the taxable year for which made and cannot be changed after the time prescribed by law for filing the return.

“(d) The tables mentioned in this section shall be based upon the income tax rate prescribed by law and shall take into consideration the personal exemptions and credit for dependents allowed by law to the taxpayer and the standard deduction as provided by section 40-18-15.

“Section 10. All laws or parts of laws which conflict with this act are hereby repealed.

"Section 11. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

"Section 12. This act shall become effective with returns for taxable years beginning on or after January 1, 1982."

**Section 2.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 4, 1982

Time: 5:00 P.M.

Act No. 82-668

S. 2—Mr. Denton

### AN ACT

Relating to selling and redeeming lands for taxes in Colbert County, Alabama.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The provisions of this Act shall apply to Colbert County.

**Section 2.** The procedure for selling and redeeming lands for taxes in such county shall be the same as provided in Title 40 of the Code of Alabama 1974, as amended, except that all such duties as are required of and are performed by the Judge of Probate shall be transferred to and be performed by the Tax Collector of said county, and the Judge of Probate shall be relieved of all such duties.

**Section 3.** All laws or parts of laws which conflict with this act are repealed.

**Section 4.** This act shall take effect on the first day of the month next following the date of its enactment, but it shall not affect proceedings that were begun before such date.

Approved June 4, 1982

Time: 5:00 P.M.

Act No. 82-669

S. 3—Mr. Weeks

### AN ACT

Relating to Pike County; to authorize the Pike County Board of Education to insure school property with a private insurance company or carrier.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Pursuant to the authority granted in Section 41-15-1, Code of Alabama 1975, the Pike County Board of Education is hereby authorized to insure school property with either the state insurance fund or with any private insurance company or carrier.

**Section 2.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 4, 1982

Time: 5:00 P.M.

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Act No. 82-670

S. 4—Mr. Keener

AN ACT

To amend Act No. 81-1192, S. 28, 1981 Third Special Session, entitled, "An Act Relating to Etowah County; to provide for a uniform maintenance allowance and for hazardous pay for deputy sheriffs," so as to provide said uniform maintenance allowance and pay to certain other county personnel and to provide retroactive effect.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Sections 1 and 2 of Act No. 81-1192, S. 28, 1981 Third Special Session are hereby amended to read as follows:

"Section 1. Effective February 1, 1982, in Etowah County, each deputy sheriff, radio operator, jailer and plain-clothes investigator shall receive a uniform maintenance allowance in the amount of \$40.00 per month.

"Section 2. Effective February 1, 1982, in addition to any and all other compensation heretofore provided by law, each deputy sheriff, radio operator, and jailer who is engaged in hazardous duties shall be paid, upon certification by the sheriff to the county commission that the deputy performs hazardous duties, the sum of \$60.00 per month."

**Section 2.** This act shall have retroactive effect to February 1, 1982.

Approved June 4, 1982

Time: 5:00 P.M.

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Act No. 82-671

S. 5—Mr. Proctor

## AN ACT

Relating to Talladega County; providing further for the compensation of members of the county board of education and repealing Act No. 116, H. 89, 1961 Regular Session, (Acts 1961, P. 156) and Act No. 2184, H. 2759, 1971 Regular Session, (Acts 1971, P. 3496).

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** In Talladega County, members of the county board of education shall each receive from the public school funds of the county seventy-five dollars (\$75) a day and actual traveling and hotel expenses incurred in attending meetings of the board. But no board member shall be allowed to pay for more than 24 days in any one year.

**Section 2.** All laws or parts of laws which conflict with this Act are repealed and specifically Act No. 116, H. 89, 1961 Regular Session, (Acts 1961, P. 156), and Act No. 2184, H. 2759, 1971 Regular Session, (Acts 1971, P. 3496) are hereby repealed.

**Section 3.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 4, 1982

Time: 5:00 P.M.

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Act No. 82-672

S. 6—Mr. Weeks

## AN ACT

Relating to Pike County: allowing city and county boards of education to pay the actual expenses of their legal counsel in attending legal seminars and workshops on developments in school law.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Any city or county board of education in Pike County may expend funds to pay the actual expenses of their legal counsel while attending legal seminars and workshops pertaining to developments in school law.

**Section 2.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 4, 1982

Time: 5:00 P.M.

Act No. 82-673

H. 9—Rep. Sandusky

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AN ACT

To provide that educational personnel may use their hospital medical insurance allotment for the purchase of dental insurance.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** It is the intent of the Legislature that the annual allotments for hospital medical insurance made to educational personnel may be used to purchase dental insurance.

**Section 2.** Local boards of education shall approve the plan and carrier for dental coverage. Employee review and evaluation of available policies shall be considered by the board before final approval of a plan.

**Section 3.** All laws or parts of laws which conflict with this Act are hereby repealed.

**Section 4.** The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 5.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 4, 1982

Time: 5:00 P.M.

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Act No. 82-674

H. 10—Rep. Sandusky

## AN ACT

To authorize the Alabama State Docks Department to fund a retirement plan for various employees of the Alabama State Docks Department for which the Department is contractually obligated including but not limited to those employees employed by the Department pursuant to Section 36-26-19, Code of Alabama 1975, those employees who are exempt from the State Merit System under Section 36-26-19(b)(9), Code of Alabama 1975, those employees who are employed by the Department under Section 33-1-16, Code of Alabama 1975, as locomotive engineers, locomotive firemen, switchmen and switch engine foremen and hostlers engaged in the operation of the terminal railroads provided for by said Section, and those employees of the Department who are not otherwise covered under the State Employees Retirement Systems; to authorize the Alabama State Docks Department to provide a life and health insurance plan for the salaried officers and employees of said Department who work full time for the Alabama State Docks and receive their compensation on a bi-weekly basis and a health insurance plan for the spouses and dependent children of such



officers and employees, and to pay the premiums and costs of such life and health insurance solely from the revenues of said Department; to provide for the contents of such plans; to authorize the Department to execute contracts to provide benefits under such plans; to authorize the Department to adopt and promulgate rules and regulations for the administration of such plans, to provide an effective date for this Act and repeal all laws in conflict therewith.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** (a) The Alabama State Docks Department is hereby authorized to establish and fund retirement plans for various employees of the Alabama State Docks Department including but not limited to those employees who are employed by the Department under Section 36-26-19, Code of Alabama 1975, those employees who are "exempt" under Section 36-26-19(b)(9), Code of Alabama 1975, those employees who are employed by the Department under Section 33-1-16, Code of Alabama 1975, as locomotive engineers, locomotive firemen, switchmen and switch engine foremen and hostlers engaged in the operation of the terminal railroads provided for by said Section, and those employees of the Department who are not otherwise covered under the State Employees Retirement System and to pay the costs of the establishment and funding of such retirement plans from the revenues of the Alabama State Docks Department.

(b) Such retirement plans and benefits shall be in such amounts as may be defined in individual labor contracts and deemed appropriate and desirable by the Department for the benefit of those employees of the Department who are not otherwise covered under the State Employees Retirement System and who have been declared eligible for disability or retirement benefits by the U. S. Social Security Administration or under the U. S. Railroad Retirement Act.

(c) The Department is hereby authorized to establish and fund such retirement plans solely out of the revenues of the Department and to execute contracts to establish such retirement funds and provide the benefits under the plan provided by this Act. The general administration and responsibility for the proper operation of the retirement plans and for making effective the provisions of this Act are hereby vested in the Department and, in furtherance thereof, the Department may establish such committees as it may deem necessary and appropriate. The Department is further authorized to designate, appoint and discharge administrators and trustees under such plans and is authorized to engage such actuarial and other services as shall be required to transact the business of the retirement plans. All of the benefits to be provided under this Act may be included in one or more contracts issued by the same or different administrators, trustees and companies and may cover groups of employees under separate contracts as may be deemed necessary and appropriate by the Department. The Department shall establish such plans and shall

award such contract or contracts on a basis as determined by the benefits afforded, the costs to be incurred and paid for solely out of the revenues of the Department as the Department deems necessary and appropriate in its discretion.

(d) The contract or contracts shall provide for retirement benefits for the retired employees of the Department not covered by the Retirement Plan of the State of Alabama and as defined by the rules and regulations of the Department, on such terms as the Department may deem appropriate. The Department shall adopt rules and regulations prescribing the conditions under which such retiring employees may participate in or withdraw from such plans.

(e) The Department is hereby empowered and authorized to adopt and promulgate rules and regulations for the administration of such retirement plans.

(f) The benefits provided for hereunder shall not exceed the retirement benefits provided for other employees of the State under established State Retirement Plans.

**Section 2.** (a) The Alabama State Docks Department is hereby authorized to provide and establish a plan of life and health insurance for the salaried officers and employees of Alabama State Docks who work full time for the Alabama State Docks and receive their compensation on a bi-weekly basis and also a plan of health insurance for the spouses and dependent children of such officers and employees and to pay the costs and premiums of such life and health insurance from the revenues of the Alabama State Docks Department.

(b) Such health insurance plan may provide for group hospitalization, surgical, medical and dental insurance against the financial costs of hospitalization, surgical, medical and dental treatment and care, and may also include, among other things, prescribed drugs, medicines, prosthetic appliances, hospital inpatient and out-patient service benefits, including major medical benefits, or such other coverage or benefits as may be deemed appropriate and desirable by the Department. The life insurance plan shall be a group plan with the face amount of such life insurance coverage on such salaried officers and employees limited to such amounts as may be deemed appropriate and desirable by the Department.

(c) The Department is hereby authorized to execute a contract or contracts to provide the benefits under the life and health insurance coverage provided by this Act. Such contract or contracts may be executed with one or more agents or corporations licensed to transact life and health insurance business in this State. All of the benefits to be provided under this Act may be included in one or more similar

contracts issued by the Same or different companies. Before entering into any contract hereby authorized said Department shall invite competitive bids from qualified insurers who wish to offer plans for the life and health insurance coverage provided by this Act.

(d) The benefits provided for herein shall not exceed the benefits provided to employees of the Alabama State Docks Department subject to collective bargaining agreements.

**Section 3.** This Act is hereby declared to be severable. Should any section or provision thereof be held invalid or unenforceable by a court of competent jurisdiction, said holding shall not invalidate or render unenforceable the remaining provisions or sections thereof.

**Section 4.** All laws or parts of laws, local, special or general, in conflict with the provisions of this Act are hereby repealed.

**Section 5.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 4, 1982

Time: 5:00 P.M.

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Act No. 82-675

S. 23—Mr. Callahan

### AN ACT

To provide for the appointment and compensation of attorneys, investigators and other staff members of the District Attorney of the 13th Judicial Circuit; to provide for certain employees authority and powers; to provide for the payment of expenses and equipment which are reasonably necessary for the operation of the office; to provide for revising salary schedules when additional funds are available; and to repeal Act 583, H. 210, 1975 Regular Session (Acts 1975, p. 329), Act 606, H. 209, 1975 Regular Session (Acts 1975, p. 1356), and Act 923, H. 203, 1975 Regular Session (Acts 1975, p. 1833).

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** (a) The District Attorney of the Thirteenth Judicial Circuit shall be authorized to appoint not more than eleven full-time Assistant District Attorneys. Said Assistant District Attorneys appointed pursuant to this Act shall be qualified to practice law in the courts of this state and shall serve at the pleasure of the District Attorney. Said Assistant District Attorneys shall be state officers and shall perform such duties in the Thirteenth Judicial Circuit as the District Attorney may require.

(b) The District Attorney shall be authorized to designate one Assistant District Attorney to serve as Chief Assistant District Attorney.

(c) The total annual compensation to be paid the Chief Assistant District Attorney and each of the Assistant District Attorneys shall be as provided in the schedule of salaries set out below and shall be computed by the use of Levels and Steps.

Levels may refer to the amount of legal experience. It is intended to permit an attorney with applicable legal experience to commence such office at a higher rate of pay than one who has less applicable legal experience. Steps shall refer to the amount of time that such Assistant District Attorney has served in the office as Assistant District Attorney or the length of time that such officer shall continue. The intention of this provision is to allow minimum annual increases in salary as incentive for an Assistant District Attorney to continue to serve in such office, provided that in the opinion of the District Attorney such Assistant District Attorney has performed satisfactorily to merit such increase in salary.

The schedule of salaries shall be as follows:

#### Schedule of Salaries

	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
Chief	\$27,000	28,215	29,485	30,811	32,198	33,647	35,000
Level III	21,000	21,840	22,714	23,622	24,567	25,550	26,572
Level II	17,500	18,200	18,928	19,685	20,473	21,291	22,143
Level I	14,500	15,080	15,683	16,311	16,963	17,641	18,357

(d) Sixty percent (60%) of the total annual salary paid to the Chief Assistant District Attorney and each Assistant District Attorney pursuant to the above schedule of salaries shall be paid by the State of Alabama from the general fund of the State in equal installments as the salaries of other State officers are paid. Forty percent (40%) of the total annual salary paid to the Chief Assistant District Attorney and each Assistant District Attorney pursuant to the above schedule of salaries shall be paid from the general fund of the County comprising the Thirteenth Judicial Circuit in equal installments as the salaries of other County officers are paid.

**Section 2.** (a) The District Attorney for the Thirteenth Judicial Circuit shall be authorized to appoint not more than four investigators. Said investigators shall have the same authority and powers as are vested in deputy sheriffs and all other peace officers of the State of Alabama. They shall be responsible to the District Attorney and shall perform all duties assigned by said official.

(b) The District Attorney for the Thirteenth Judicial Circuit shall be authorized to designate one investigator to serve as Chief Investigator. The total annual compensation paid to the Chief Investigator shall be not less than \$27,000.00 nor more than \$32,000.00, said compensation to be determined by the District Attorney. The total annual compensation paid to the Chief Investigator shall be paid by the State of Alabama from the general fund of the State in equal installments as the salaries of other State officers are paid.

(c) The total annual compensation paid to each investigator, excluding the Chief Investigator, shall be not less than \$16,000.00 nor more than \$27,000.00, said compensation to be determined by the District Attorney. The total annual compensation paid to each investigator shall be paid by the State of Alabama from the general fund of the State in equal installments as the salaries of other State officials are paid.

(d) The County comprising the Thirteenth Judicial Circuit shall purchase from its general fund, upon application by the District Attorney, all equipment and supplies, including but not limited to automobiles, radios and other electronic equipment, which are necessary in the proper performance of the duties of such investigators and pay for such other expenses which are reasonably necessary in the suppression of crime, the apprehension of criminals and the duties assigned them. The governing body of said county shall be responsible for the maintenance and upkeep of such equipment.

**Section 3.** The District Attorney for the Thirteenth Judicial Circuit is authorized to appoint an Administrative Assistant. The total annual compensation paid to said Administrative Assistant shall be not less than \$13,000.00 nor more than \$19,000.00, said compensation to be determined by the District Attorney, and shall be paid by the State of Alabama from the general fund of the State in equal installments as the salaries of other State employees are paid.

**Section 4.** The District Attorney for the Thirteenth Judicial Circuit is authorized to appoint an Office Manager. The total annual compensation paid to said Office Manager shall be not less than \$15,000.00 nor more than \$19,000.00, said compensation to be determined by the District Attorney, and shall be paid by the State of Alabama from the general fund of the State in equal installments as the salaries of other State employees are paid.

**Section 5.** The District Attorney for the Thirteenth Judicial Circuit is authorized to appoint a Trial Coordinator. The total annual compensation paid to said Trial Coordinator shall be not less than \$12,000.00 nor more than \$16,000.00, said compensation to be deter-

mined by the District Attorney, and shall be paid by the State of Alabama from the general Fund of the State in equal installments as the salaries of other State employees are paid.

**Section 6.** The District Attorney for the Thirteenth Judicial Circuit is authorized to appoint a Grand Jury Reporter. The total annual compensation paid to said Grand Jury Reporter shall be not less than \$13,000.00 nor more than \$17,000.00 said compensation to be determined by the District Attorney, and shall be paid by the State of Alabama from the general fund of the State in equal installments as the salaries of other State employees are paid.

**Section 7.** The District Attorney for the Thirteenth Judicial Circuit is authorized to appoint not less than five nor more than eight legal stenographers. The total annual compensation to be received by each of the legal stenographers shall be not less than \$1,400.00 nor more than \$12,000.00, said compensation to be determined by the District Attorney. Said compensation shall be payable from the general fund of the County comprising the Thirteenth Judicial Circuit in equal installments as other County employees are paid.

**Section 8.** The District Attorney for the Thirteenth Judicial Circuit may appoint such other and additional personnel who shall serve at his pleasure as the governing body of the County comprising such circuit may approve.

**Section 9.** Nothing contained in this Act shall be construed so as to reduce the number or type of positions of employment in the Office of the District Attorney for the Thirteenth Judicial Circuit as of the effective date of this Act, or to reduce the salaries and other benefits for such positions of employment in any amount whatsoever unless recommended by the District Attorney.

**Section 10.** Nothing contained in this Act shall be construed so as to prevent the governing body of the County comprising the Thirteenth Judicial Circuit from increasing the number of positions of employment in the Office of the District Attorney or the salary and other benefits for any position or employee when recommended by the District Attorney.

**Section 11.** The provisions of any existing Merit Systems or Civil Service Law shall not be applicable to any person appointed under this Act. The provisions of Act 583, H. 210, 1975 Regular Session (Acts 1975, p. 329), Act 606, H. 209, 1975 Regular Session (Acts 1975, p. 1356), and Act 923, H. 203, 1975 Regular Session (Acts 1975, p. 1833) are hereby expressly repealed.

**Section 12.** The governing body of the County comprising such circuit may upon application of the District Attorney purchase from

the General Fund of the County necessary equipment, office supplies, and other items necessary to conduct the business and affairs of the Office of the District Attorney.

**Section 13.** Prior to the commencement of each fiscal year, the District Attorney may request either from the State of Alabama or the governing body of the County comprising the Thirteenth Judicial Circuit, or both, additional increases in the salaries of all Assistant District Attorneys. Should funds be available either from the State of Alabama or the governing body of the County comprising the Thirteenth Judicial Circuit, or both, the District Attorney of the Thirteenth Judicial Circuit may revise the salary schedule in Section 1. of this Act.

**Section 14.** At any time that the Legislature of the State of Alabama shall approve an increase in the salaries of State employees, and at any time that the governing body of the County comprising the Thirteenth Judicial Circuit shall approve an increase in the salaries of County employees, the salaries paid employees of the District Attorney for the Thirteenth Judicial Circuit shall be increased accordingly; and the schedules of salaries paid personnel of the District Attorney's Office as set out in the provisions of this Act shall be increased.

**Section 15.** The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 16.** This Act shall become effective October 1, 1982.

Approved June 4, 1982

Time: 5:00 P.M.

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Act No. 82-676

S. 30—Mr. Denton

### AN ACT

To provide for an additional judgeship for the Thirty-Second Judicial Circuit of Alabama; to provide for the appointment of the first judge to fill this judgeship; to prescribe the jurisdiction, powers, duties, responsibilities and compensation of such judge; to increase the number of circuit judges in the Thirty-Second Judicial Circuit to three by amending Section 12-17-20, Code of Alabama 1975; to provide that the presiding circuit judge of the Thirty-Second Judicial Circuit shall be authorized to designate either a district court judge or a circuit court judge as the juvenile court judge, and to further provide that the presiding circuit judge shall have the authority to establish a Family Court Division of the Thirty-Second Judicial Circuit.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** There is hereby created an additional circuit judgeship for the Thirty-Second Judicial Circuit which shall be designated as circuit judgeship No. 3. The existing judgeships of said circuit shall continue to be designated as judgeship No. 1 and judgeship No. 2, respectively. The first judge of the additional judgeship created by this Act shall be appointed under the provisions of Section 7 of this Act.

**Section 2.** The judge of said circuit judgeship No. 3 shall have and exercise all of the jurisdiction, powers, rights and authority, and possess all of the qualifications, perform all of the duties and be subject to all of the pains, obligations and penalties that other circuit judges may exercise, perform or be subject to.

**Section 3.** The additional circuit judge provided for in this Act shall receive the same salary and supplements, payable in the same manner as the other circuit court judges of the Thirty-Second Judicial Circuit.

**Section 4.** Section 12-17-20, Code of Alabama 1975, is hereby amended to read as follows:

“Section 12-17-20 (a) Except as otherwise provided in this section, each judicial circuit of the state shall have one resident circuit judge.

“(b) In the following judicial circuits, there shall be the number of resident circuit judges listed below:

“(1) There shall be two circuit judges in the first judicial circuit. The judge occupying judgeship No. 1 shall be the presiding judge.

“(2) There shall be four circuit judges in the fourth judicial circuit.

“(3) There shall be three circuit judges in the fifth judicial circuit.

“(4) There shall be five circuit judges in the sixth judicial circuit.

“(5) There shall be four circuit judges in the seventh judicial circuit.

“(6) There shall be three circuit judges in the eighth judicial circuit.

“(7) There shall be two circuit judges in the ninth judicial circuit.

“(8) There shall be twenty-three circuit judges in the tenth judicial circuit.



“(9) There shall be three circuit judges in the eleventh judicial circuit.

“(10) There shall be three circuit judges in the twelfth judicial circuit.

“(11) There shall be ten circuit judges in the thirteenth judicial circuit.

“(12) There shall be three circuit judges in the fourteenth judicial circuit.

“(13) There shall be seven circuit judges in the fifteenth judicial circuit. At least two judges shall be assigned to the criminal division of said circuit, and one or more judges shall be assigned to the civil division, in the discretion of the presiding judge.

“(14) There shall be four circuit judges in the sixteenth judicial circuit.

“(15) There shall be two circuit judges in the seventeenth judicial circuit.

“(16) There shall be three circuit judges in the eighteenth judicial circuit.

“(17) There shall be two circuit judges in the nineteenth judicial circuit.

“(18) There shall be three circuit judges in the twentieth judicial circuit.

“(19) There shall be two circuit judges in the twenty-second judicial circuit.

“(20) There shall be six circuit judges in the twenty-third judicial circuit.

“(21) There shall be two circuit judges in the twenty-fifth judicial circuit.

“(22) There shall be two circuit judges in the twenty-sixth judicial circuit.

“(23) There shall be three circuit judges in the twenty-seventh judicial circuit.

“(24) There shall be three circuit judges in the twenty-eighth judicial circuit.

“(25) There shall be two circuit judges in the twenty-ninth judicial circuit.

“(26) There shall be two circuit judges in the thirtieth judicial circuit.

“(27) There shall be two circuit judges in the thirty-first judicial circuit.

“(28) There shall be three circuit judges in the thirty-second judicial circuit.

“(29) There shall be two circuit judges in the thirty-third judicial circuit.

“(30) There shall be two circuit judges in the thirty-seventh judicial circuit.

“(31) There shall be two circuit judges in the thirty-eighth judicial circuit.

**Section 5.** The presiding circuit judge of the Thirty-Second Judicial Circuit shall be selected as otherwise provided law or court rule.

**Section 6.** The presiding circuit judge of the Thirty-Second Judicial Circuit shall be authorized and empowered to designate either a district judge or a circuit judge of the Thirty-Second Judicial Circuit as the juvenile court judge of Cullman County. Said designation shall be in writing and shall be made only after advising with the circuit and district judges. The presiding circuit judge shall further have the power and authority to establish, by means of a written order, a Family Court Division of the Thirty-Second Judicial Circuit and to assign one of the circuit or district judges to preside over said division. In the event a district court judge is assigned to preside over the Family Court Division as provided herein, such judge shall have the same powers and authority as a circuit court judge to handle all cases involving domestic relations, divorce, annulments of marriage, custody and support of children, granting and enforcement of alimony and all other domestic and marital matters over which the circuit court has jurisdiction and such district judge shall serve as an ex officio circuit judge when handling such cases.

**Section 7.** There is hereby appropriated a sum not to exceed one-hundred-forty-thousand-three-hundred-ninety-two dollars to the Unified Judicial System for fiscal year 1982-83, to be conditioned upon the condition of the general fund and upon approval of the Governor for the support and maintenance of the additional judgeship. If the Governor, at any time between October 1, 1982 and January 1, 1983 releases this conditional appropriation, or a sufficient part thereof, as determined by the Administrative Office of Courts, he shall make an appointment filling this position as provided by law.

**Section 8.** All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

**Section 9.** The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 10.** This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law. Provided, however, no new judgeship created by this Act or Act 82-546, regular session, 1982, shall become effective until the date the Governor authorizes the appropriation provided in Section 7 of this Act or the appropriation provided in Act 82-546, regular session, 1982, or a sufficient portion of said appropriations as determined by the Administrative Office of Courts to fully fund any judgeship to become effective under the provisions of this Act or Act 82-546, regular session, 1982.

Approved June 4, 1982

Time: 5:00 P.M.

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Act No. 82-677

H. 90—Rep. Waggoner

### AN ACT

To alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The boundary lines and corporate limits of the City of Pelham, Alabama, are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to-wit:

All of the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 7, Township 20 South, Range 2 West. All of the Northwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 7, Township 20 south, Range 2 West lying east of the centerline County Highway 33. All of the Northeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of section 7, Township 20 south Range 2 West lying west of the centerline of Interstate Highway I-65. All of the Southwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 7, Township 20 South, Range 2 West lying west of the centerline of Interstate Highway I-65. All of the Southeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 7, Township 20 South, Range 3 West lying west of the centerline of Interstate Highway I-65. All of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 7, Township 20 South, Range 2 West lying west of the centerline of Interstate Highway I-65. All in Shelby County, Alabama.

**Section 2.** The substantive provisions of this Act shall become operative only if the Act is approved by the qualified electors who reside within that part of the territory herein above described which is not presently included within the corporate limits of the City of Pelham, voting in a referendum election to be held on a day designated by the Probate Judge of Shelby County, not less than twenty or more than forty days from the date of this enactment. The notice of the election shall be given by the Probate Judge of Shelby County, and the election shall be held, conducted and the results thereof canvassed in the manner prescribed by Title 11, Chapter 42, Article 3, Code of Alabama 1975, for giving notice of and conducting elections on the question of annexing territory to cities of twenty-five thousand or more inhabitants insofar as such provision of said article may be appropriate; provided, however, no municipal resolution of the municipal governing body need be made or filed with the Probate Judge, nor need a plat or map of the territory to be annexed be filed with Probate Judge. The question shall be on the adoption of Act No. \_\_\_\_ of the 1982 Regular or any Subsequent Session of the Legislature, which alters, rearranges and extends the corporate limits of the City of Pelham, in Shelby County, Alabama. Each voter may furnish his own ballot, and if he desires to vote for the adoption of said Act there shall be written or printed on such ballot the word "Yes." If he desires to vote against the adoption of such Act the word "No" shall be written or printed on his ballot. The City of Pelham shall pay all costs and expenses incident to the election.

If a majority of the votes cast in the election are "Yes," the provisions of this Act shall become operative immediately. If the majority are "No," this Act shall have no further effect.

Approved June 4, 1982

Time: 5:00 P.M.

Act No. 82-678

H. 91—Rep. Waggoner

### AN ACT

To alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The boundary lines and corporate limits of the City of Pelham, Alabama, are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in

addition to the lands now included, all of the following territory, to wit:

Begin at the Northwest corner of the Northwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 7, Township 20 south, Range 2 west; thence run north along the west boundary line of the Southwest  $\frac{1}{4}$  of the southeast  $\frac{1}{4}$  of Section 6, Township 20 South, Range 2 West approximately 930 feet to the centerline of Oak Mountain Park Road; thence run southeasterly along the centerline of said Oak Mountain Park Road to the point of intersection of said road and the north boundary line of section 7, Township 20 south, Range 2 West; thence run east along the north boundary line of Section 7, Township 20 South Range 2 West of the Northeast corner of said section 7, Township 20 South, Range 2 West; thence run south along the east boundary line of section 7, Township 20 South, Range 2 West to the Southeast corner of the Northeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 7, Township 20 south, Range 2 West; thence run west along the south boundary line of the Northeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 7, Township 20 South, Range 2 West a distance of 780 feet to a point on the south boundary line of the Northeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 7, Township 20 South, Range 2 West; thence run north parallel to the east boundary line of the Northeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 7, Township 20 South, Range 2 West to a point on the South boundary line of the North  $\frac{1}{2}$  of the North  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$  of Section 7, Township 20 South, Range 2 West thence run west along the south boundary line of the North  $\frac{1}{2}$  of the North  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$  of section 7, Township 20 south, Range 2 west to the point of intersection of the south boundary line of the North  $\frac{1}{2}$  of the North  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$  of Section 7, Township 20 south, Range 2 West and the centerline of Interstate Highway I-65; thence run northerly along the centerline of I-65 to point of Intersection on the centerline of Interstate Highway I-65 and the north boundary line of the Northwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of section 7, Township 20 South, Range 2 West; thence run west along the North boundary line of the Northwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of S Section 7, Township 20 south, Range 2 West to the Northwest corner of the Northwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 7, Township 20 South, Range 2 West said point being the point of beginning. All in Shelby County, Alabama.

**Section 2.** The substantive provisions of this Act shall become operative only if the Act is approved by the qualified electors who reside within that part of the territory herein above described which is not presently included within the corporate limits of the City of Pelham, voting in a referendum election to be held on a day designated by the Probate Judge of Shelby County, not less than twenty or more than forty days from the date of this enactment. The notice of the election shall be given by the Probate Judge of Shelby County, and

the election shall be held, conducted and the results thereof canvassed in the manner prescribed by Title 11, Chapter 42, Article 3, Code of Alabama 1975, for giving notice of and conducting elections on the question of annexing territory to cities of twenty-five thousand or more inhabitants insofar as such provisions of said article may be appropriate; provided, however, no municipal resolution of the municipal governing body need be made or filed with the Probate Judge, nor need a plat or map of the territory to be annexed be filed with the Probate Judge. The question shall be on the adoption of Act No. \_\_\_\_\_ of the 1982 Regular or any subsequent Session of the Legislature, which alters, rearranges and extends the corporate limits of the City of Pelham, in Shelby County, Alabama. Each voter may furnish his own ballot, and if he desires to vote against the adoption of such Act the word "No" shall be written or printed on his ballot. The City Pelham shall pay all costs and expenses incident to the election.

If a majority of the votes cast in the election are "Yes," the provisions of this Act shall become operative immediately. If the majority are "No," this Act shall have no further effect.

Approved June 4, 1982

Time: 5:00 P.M.

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Act No. 82-679

H. 92—Rep. Waggoner

### AN ACT

To alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The boundary lines and corporate limits of the City of Pelham, Alabama, are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to wit:

All of the Northeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 18, Township 20 South, Range 2 West not currently within the corporate limits of the City of Pelham, Alabama. All of the Southeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 18, Township 20, South, Range 2 West. All in Shelby County, Alabama.

**Section 2.** The substantive provisions of this Act shall become operative only if the Act is approved by the qualified electors

who reside within that part of the territory herein above described which is not presently included within the corporate limits of the City of Pelham, voting in a referendum election to be held on a day designated by the Probate Judge of Shelby County, not less than twenty or more than forty days from the date of this enactment. The notice of the election shall be given by the Probate Judge of Shelby County, and the election shall be held, conducted and the results thereof canvassed in the manner prescribed by Title 11, Chapter 42, Article 3, Code of Alabama 1975, for giving notice of and conducting elections on the question of annexing territory to cities of twenty-five thousand or more inhabitants insofar as such provisions of said article may be appropriate; provided, however, no municipal resolution of the municipal governing body need be made or filed with the Probate Judge, nor need a plat or map of the territory to be annexed be filed with the Probate Judge. The question shall be on the adoption of Act No. \_\_\_\_\_ of the 1982 Regular or any Subsequent Session of the Legislature, which alters, rearranges and extends the corporate limits of the City of Pelham, in Shelby County, Alabama. Each voter may furnish his own ballot, and if he desires to vote for the adoption of said Act there shall be written or printed on such ballot the word "Yes". If he desires to vote against the adoption of such Act the word "No" shall be written or printed on his ballot. The City of Pelham shall pay all costs and expenses incident to the election.

If a majority of the votes cast in the election are "Yes", the provisions of this Act shall become operative immediately. If the majority are "No", this Act shall have no further effect.

Approved June 4, 1982

Time: 5:00 P.M.

Act No. 82-680

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S.J.R. 26—Messrs. Hilliard, Bailey, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gullledge, Hall, Harrison, Higginbotham, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague (B), Teague (J), Vacca, Weeks and White

SENATE JOINT RESOLUTION

COMMENDING MR. ANDREW TONEY OF BIRMINGHAM,  
ALABAMA, FOR OUTSTANDING ATHLETIC ACHIEVEMENT.

WHEREAS, Mr. Andrew Toney is a graduate of Glenn High School in Birmingham, Alabama, where he was a stand-out on the school's basketball varsity squad; and

WHEREAS, though recruited by Alabama Schools, he accepted a scholarship at Southwestern Louisiana University and was a starter in basketball all four years; and

WHEREAS, during his collegiate career, in 1979, SLU played in the National Invitational Tournament defeating the University of Alabama-Birmingham, which was coached by Gene Bartow, in the first game of the tournament; and

WHEREAS, also in 1979, Andrew Toney was a first-round draft choice of the Philadelphia 76'ers and this year the 1981-82 season, became known as the sixth man on the 76'ers coming off the bench to frequently score more than 30 points per game, helping to lead his team into the finals of the National Basketball Association Tournament; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. Andrew Toney of Birmingham, Alabama, for outstanding achievement as a professional athlete with the Philadelphia 76'ers and direct that he receive a copy of this resolution in expression of our sincere pride and warm praise.

Approved June 4, 1982

Time: 5:00 P.M.

Act No. 82-681

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S.J.R. 28—Messrs. Hilliard, Bailey, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gullede, Hall, Harrison, Higginbotham, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Proctor, Robertson, St. John, Smith, Taylor, Teague (B), Teague (J), Vacca, Weeks and White

SENATE JOINT RESOLUTION



**HONORING SENATOR J. RICHMOND PEARSON, A DISTINGUISHED ALABAMIAN.**

WHEREAS, it is with great and personal pride that the Alabama Legislature notes the selection of our distinguished colleague, Senator Richmond Pearson of Birmingham, as Morehouse College "Alumnus of the Year"; and

WHEREAS, educated in the public schools of Birmingham and a graduate of that city's A. H. Parker High School, Senator Pearson holds an A.B. Degree awarded by Morehouse College and a Doctor of Jurisprudence which he earned at Howard University's College of Law; he is a practicing attorney in Birmingham and was the former Assistant U. S. Attorney for the Northern District of Alabama during the administration of President Lyndon Johnson; and

WHEREAS, Senator Pearson, first elected in 1974, is serving his second term in the Alabama Senate, currently as chairman of the Finance and Taxation Committee and as such, the first Black ever to chair the major appropriation committee of any Senate in these United States; he also is a member of the Senate Rules Committee and of the Joint Senate Committee for Constitutional Revision; and

WHEREAS, during Senator Pearson's illustrious legislative tenure, he has played an instrumental role in the promotion of the cause of civil rights and in the enactment of positive legislation to the benefit of Alabama Blacks; he is responsible for an annual state appropriation of more than \$1 million for Tuskegee Institute, for tuition grants to students attending such private institutions as Miles, Stillman and Talladega Colleges, as well as for funds secured from Governor Fob James enabling Mrs. Wilder and Mrs. Bozeman to participate in Alabama's work release program; and

WHEREAS, he further was responsible for the recent rejection of Alabama's redistricting plan by the Justice Department which came about as a result of his leadership of our Legislature's Black Delegation which travelled to Washington in protest to the department of the plan submitted for review; and

WHEREAS, Senator Pearson is also on the boards of Miles College, Tuskegee Institute, Alabama Goodwill and the Boy Scouts of America; he is a member of the National Association of Trial Lawyers of America, life member of Kappa Alpha Psi, a member of Sigma Pi Phi Boule, and is chairman of the Board of Trustees of Thirgood Memorial Christian Methodist Episcopal Church; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we most highly commend our esteemed colleague, the Honorable J. Richmond

Pearson of Birmingham for extraordinary achievement, as Morehouse College "Alumnus of the Year" and for outstanding contributions to the State of Alabama.

BE IT FURTHER RESOLVED, That Senator Pearson be presented with a copy of this resolution in small token of our sincere praise and warm personal regard.

Approved June 4, 1982

Time: 5:00 P.M.

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Act No. 82-682

S.J.R. 32—Messrs. deGraffenried and  
Kirkland

#### SENATE JOINT RESOLUTION

REQUESTING THE GOVERNORS OF ALABAMA, GEORGIA, MISSISSIPPI, FLORIDA, LOUISIANA AND TENNESSEE TO APPOINT TWO PERSONS EACH TO SERVE ON AN INTERSTATE COMMITTEE TO STUDY THE ISSUE OF NONRESIDENT HUNTING LICENSES.

WHEREAS, the recent increase in the cost of a nonresident hunting license in this state has become very controversial among hunters in neighboring states; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby request the Governors of the States of Alabama, Georgia, Mississippi, Florida, Louisiana and Tennessee to appoint two persons each to serve on an Interstate Committee to study the issue of nonresident hunting licenses in these states.

RESOLVED FURTHER, That the persons appointed to said committee by the Governor of Alabama shall furnish a report on the findings of this committee to the Legislature no later than the tenth legislative day of the 1983 regular session.

RESOLVED FURTHER, That a copy of this Resolution be sent to the Governor of each of the states named in this resolution.

Approved June 4, 1982

Time: 5:00 P.M.

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Act No. 82-683

S. 13—Messrs. Gullledge and Goodwin

## AN ACT

To amend section 5 of Act No. 135, enacted at the 1978 Second Extraordinary Session of the Legislature of Alabama, codified as § 40-7-25.2, Code of Alabama 1975, as amended, so as to extend, for the taxable year that began October 1, 1981, to not later than June 30, 1982, the period of time during which an owner of eligible taxable property may apply to have such property assessed for purposes of ad valorem taxation at the appropriate ratio of assessed value to the current use value of such property.

*Be It Enacted by the Legislature of Alabama:*

1. Section 5 of Act No. 135 enacted at the 1978 Second Extraordinary Session of the Legislature of Alabama, codified as § 40-7-25.2, Code of Alabama 1975, as amended, is amended to read as follows:

“§ 40-7-25.2 Same — Qualification procedure; appeal from denial of application; new owner required to reapply upon sale of property.

(a) Any owner of eligible taxable property described in section 40-7-25.1 may apply to have such property assessed for purposes of ad valorem taxation at the appropriate ratio of assessed value to the current use value of such property by filing a written application, in form as prescribed by the department of revenue, with the tax assessor of the county in which such property is located, on and after October 1 but not later than January 1 in any taxable year; provided, however, that with respect to assessments of eligible taxable property respecting the taxable year that began on October 1, 1981, such applications may be filed with said tax assessor not later than June 30, 1982.

(b) The application form for qualification of real property as agricultural property shall set forth a description of the real property, a general description of the use to which it is being put and such other information as the tax assessor may require to aid him in determining whether the real property qualifies for assessment based on its current use value.

(c) The application form for qualification of real property as forest property shall include a description of the real property, a general description of the uses to which it is being put, aerial photographs, if available, and such other information as the tax assessor may require to aid him in determining whether the land qualifies for assessment based on its current use value.

(d) Any person aggrieved by the denial of any application for the qualification of eligible taxable property for assessment based on its current use value shall have the same rights and remedies for appeal and relief as are provided by law for taxpayers claiming to be aggrieved by the actions of tax assessors or boards of equalization.

(e) If any application for assessment of any taxable property based on its current use value is granted by the tax assessor, the

owner of such property shall not be required to repeat the application for subsequent taxable years. Following the sale or other disposition of such property, the new owner thereof must apply for current use valuation for such property as provided in this section; otherwise, such property shall be assessed at its fair and reasonable market value. In the assessment book described in section 40-7-33, the tax assessor shall show, in addition to the other information specified therein, that the owner of the taxable property eligible for current use valuation under this section has applied for and been granted current use valuation of that property for purposes of assessment."

**Section 2.** All laws and parts of laws in conflict with any of the provisions of this Act are hereby expressly repealed or modified to the extent necessary to carry out the provisions of this Act.

**Section 3.** If any provision of this Act shall be held invalid by a court of competent jurisdiction, such invalidity shall not affect any other provision hereof.

**Section 4.** This Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved June 10, 1982

Time: 1:15 P.M.

**ALABAMA LAWS**  
**(and Joint Resolutions)**  
**OF THE**  
**LEGISLATURE OF ALABAMA**  
**PASSED AT THE**  
**SECOND SPECIAL SESSION 1982**



**FOB JAMES, Governor**  
**GEORGE D. H. McMILLAN, Lieutenant Governor**  
**FINIS ST. JOHN, President Pro-Tem of the Senate**  
**JOE C. McCORQUODALE, JR., Speaker of the House**  
**RICHARD S. MANLEY, Speaker Pro-Tem of the House**  
**McDOWELL LEE, Secretary of the Senate**  
**JOHN W. PEMBERTON, Clerk of the House**

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**WITH AN INDEX PREPARED BY THE**  
**LEGISLATIVE REFERENCE SERVICE**

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The undersigned, as Secretary of State of the State of Alabama, does hereby certify that this book contains bills and joint resolutions enacted at the 1982 Second Special Session of the Legislature of Alabama and is the official publication of such acts.

Don Siegelman  
Secretary of State

STATE-OF-THE-STATE ADDRESS  
SECOND SPECIAL SESSION  
JUNE 21, 1982

Governor McMillan, Speaker McCorquodale, ladies and gentlemen of the Legislature, my fellow Alabamians.

I have called this Special Session of the Legislature to ask you to settle three issues that go straight to the heart and to the pocket-book of all Alabamians.

A month ago in Mobile, three elementary school teachers were sued in federal court for having mentioned God in class. The man who sued them claimed that he and his children were caused severe emotional distress by the teachers' having led their classes in a blessing before meals, which went:

"God is great; God is good,  
Let us thank Him for our food."

The man asked that he be awarded \$115,000 in damages, and that all school officials in Mobile be enjoined from any religious activity on school grounds.

It is sadly true that according to the United States Supreme Court, the teachers in Mobile have done something wrong: they have said that God is good. But, under the original meaning of our Constitution and the First Amendment thereto, those teachers have done something right. They have acknowledged that we need God in our public schools and public affairs. As Governor of the State of Alabama, the full authority of my office now stands behind those brave teachers in Mobile: Julia Green, Charlene Boyd, Pixie Alexander, I salute you and every teacher in this state who wants to pray or lead willing students in prayer to the God who made us all.

I am proposing to you a bill that will insure the rights of teachers and students to pray to God while at school. This bill encourages truly voluntary prayer, whether by teachers or students. No teacher is required to pray at all, and if a teacher chooses to invite a class to join in a prayer, no student need participate. The bill also contains a suggested prayer. This prayer is available to all, yet required of no one. I shall read the prayer.

Almighty God, you alone are our God. We acknowledge you as the Creator and Supreme Judge of the world. May your justice, your truth, and your peace abound this day in the hearts of our countrymen, in the councils of our government, and in the classrooms of our schools. Amen.

This prayer acknowledges that God alone, not government, is our God. This prayer recognizes, in the tradition and language of the

Declaration of Independence, that God is the Creator and Supreme Judge of the world. This prayer also invokes the blessings of God upon our countrymen, our government, and our schools.

Every American citizen should understand that the First Amendment was originally meant to prohibit government from forcing an individual to join a church or confess a doctrine against his will. For the last twenty years, the United States Supreme Court has violated the First Amendment by forcing individual teachers to confess, by their silence, the false notion that corporate prayer to God in the public schools is a violation of the First Amendment. It is a bald-faced lie to say that when the people of the United States ratified the First Amendment to the Constitution, they meant to remove God from the classrooms of our schools, or from the halls of our legislatures.

And so, in the name of the people of the United States who ratified the First Amendment, and in the name of the people of Alabama who know we need prayer in our public schools, I ask you to make this prayer bill the law of Alabama.

Next, I ask you to give the people of Alabama full and equal representation on the State Text Book Committee. At present, the Text Book Committee is made up of fourteen professionals recommended by the State Superintendent of Education and appointed by the State School Board; and two laymen appointed by the Governor. We need fourteen professionals to insure technical competence in our text books. We also need fourteen Alabama citizens to consider the value judgments inherent in our text books. After all, text books help shape the mind and conscience of children six to twelve years old as well as teenagers thirteen to eighteen years old.

Therefore, I propose that the State Text Book Committee be enlarged to include fourteen laymen from the ranks of Alabama citizenship appointed by the Governor, confirmed by the Senate. My proposal recommends that two citizens be appointed from each of our seven congressional districts and that five of the fourteen be members of local school boards.

I firmly believe that in all public affairs the closer you can move decision making to the people, the better off you are. I say there is no substitute for the good common sense and judgment of the average Alabamian, and my proposal to balance the membership of our State Text Book Committee takes that into full account.

I have called this special session to ask you for the third time during my administration to take action to correct one of the two remaining parts of state government where costs are **sky-high** out of line to the point it is grossly unfair to every citizen of this state.

The politicians of the past have lacked the guts to address the issue and the burden to the taxpayers has grown heavier each year. The burden I speak of is the cost of the Alabama Retirement Systems.

In 1950, the cost of Alabama Retirement Systems was four million dollars.

In 1960, the cost of Alabama Retirement Systems was nine million dollars.

In 1970, the cost of Alabama Retirement Systems was 34 million dollars.

In 1975, the cost of Alabama Retirement Systems was 75 million dollars.

In 1978, the cost of Alabama Retirement Systems was 158 million dollars.

In 1982, the cost of Alabama Retirement Systems alone is 225 million dollars.

Add the cost of Social Security to that and you have a total cost to the taxpayers of 340 million dollars per year. It takes fifteen cents out of every state tax dollar to fund the Retirement Systems and Social Security. Let me draw an example to show how badly state retirement systems need reform. Suppose you take home \$1000 a month to pay your bills and look after your family. If you had to pay \$150 per month for someone's retirement and Social Security before you paid your utility bills, before you bought clothes and food for your family, before you made the house and car payments, your family would be getting the short end of the stick. The people of Alabama get the short end of the stick when their state government pays fifteen cents out of every tax dollar for employee retirement and Social Security benefits only.

How did your state government get in this shape? It goes back a long time ago when teachers and state employees were not paid competitive wages and the politicians would not face up to this inequity. So they came in the back door to make up the difference with extravagant retirement and fringe benefits created by legislative act.

Well, salaries and wages for public employees in recent years have become highly competitive, and this is right. On the other hand, retirement benefits and Social Security are costing 40 to 50 million dollars a year too much. This 40 to 50 million dollars a year of overpriced state government ought to be used for schools and kindergartens, to maintain roads and highways, to fight crime, to insure Medicaid payments and to guarantee that state taxes will never need to be in-



creased in order to provide all essential services the people of Alabama are paying for and not getting.

Alabama has among the richest retirement benefits of any state in the Union. Alabama has retirement benefits 20 percent greater than that of the federal government. State government has a retirement system far better than any of you working in the private sector have today or will ever have.

There is another good reason to modify the cost of the Alabama Retirement Systems. That reason is to insure the stability of the system by decreasing its cost to a level the state can afford. Severe funding problems have developed with retirement systems in Tennessee, Maryland, New York City, and, just last week, in the State of Michigan, where 17,000 state employees were given a choice of reduced salaries and benefits or be laid off. On this point I might add the US federal court ruled in favor of the state to force that option.

If this Legislature will pass my reform proposal, our state government will be in much better shape financially and our retirement systems will be on solid ground from now on—and the drastic and somewhat harsh but necessary action just taken by the Michigan governor will never have to be.

Our retirement benefit formula is now 2.0125, among the highest of all 50 states in the nation. This means that upon retirement, an employee of thirty years will get  $30 \times 2.0125$  or 60% of the average salary for the top three years. Under these conditions when an employee reaches 62 or 65 and Social Security is earned, that employee is then drawing 20% to 30% **more** take-home pay after retiring than while working. I want to repeat that . . . the employee is then drawing twenty to thirty percent more take-home pay **after** retiring than while working.

Here is my proposal to solve the problem:

1. For all new state employees and teachers hired on October 1, 1982 or thereafter:

- a) The present benefit formula of 2.0125 will be changed to 1.4. This formula of 1.4 plus Social Security will guarantee any new employee with 30 years service, retirement income equal to 100 percent of the employee's average annual net take-home pay for the three highest-paying years of service.

- b) The present employee contribution of 5% will be lowered to 3.5%. This means all new state employees and teachers hired from October 1, 1982 on will have an excellent retirement plan with an employee contribution of only 3.5%.

2. For current state employees and teachers and for those state employees and teachers that are hired prior to October 1, 1982, I propose three options:

**Option #1** Stay exactly as you are—no change whatsoever. This is 100% your choice. It's your decision. If you so choose, keep the same retirement benefit and contribution formula you have today.

**Option #2** Receive a refund of one-half of your contributions plus interest with retirement benefits calculated at 2.0125 for all service prior to the refund, and 1.4 after the refund.

**Option #3** Receive a refund of **all** your contributions plus interest with retirement benefits calculated at 1.4 for **all** your service.

Options #2 and #3 in many cases are to the financial advantage of the employee. In fact, the employee will receive a 1½% increase in take-home pay by choosing one of the refund options. These options will have no effect on benefits available from Social Security.

3. For judges, our present plan allows retirement after eighteen years at 75% of take-home pay, not counting Social Security. The reason given for this lucrative plan is to attract to the bench talented and experienced lawyers. There is some validity to this, but, still, the cost is out of line. Therefore, we propose to increase the judges' contribution from 6% to 10%.

4. For faculty members at some of our major four-year universities, the state now provides two retirement plans plus Social Security. I know of no other employer in the world, public or private, that has its costs this far out of line. Frankly, I'm ashamed to admit such a thing exists, but such have been the special-interest politics on Goat Hill. My proposal allows those current faculty members to keep both retirement plans but all new faculty members after October 1, 1982 will have a choice of Social Security and one good retirement plan, not two.

5. State employees and teachers already retired will not be affected at all by my proposals except that their retirement benefits will be made more secure and the state's ability to grant them cost-of-living raises will be improved.

At this hour, Alabama state government is overpriced by forty million dollars a year due to the cost of funding the Retirement Systems. This is not the fault of state employees or teachers. Politicians who gave in to special-interest pressure must take the full blame for this mess. It is now up to you and me to clean up the mess.

I have proposed constructive reform measures that will reduce the cost of the Retirement Systems to the taxpayers by 40 million

dollars a year. Reforms that are totally fair to all public employees. Reforms that are actuarially sound as substantiated in writing by leading actuarial firms, including George B. Buck and Company, the actuarial firm that has serviced the Alabama Retirement Systems for forty years.

It seems to me you, the members of this Legislature, have two choices: either pass my reform measures or tell your folks back home you are not concerned about the fact state government is overpriced by 40 million dollars a year from funding one of the richest retirement systems in America.

Maybe you should say to the folks back home, "I realize thousands of Alabama citizens have agreed to reduced fringe and retirement benefits in order to keep their jobs, and I realize thousands of farms and businesses have cut back in order to stay afloat. But I, your Legislator, believe state government should continue to live high on the hog while everybody else makes the necessary sacrifices and I'm going to leave things in Montgomery just like they are."

Some of you legislators have said to me on occasion that the only people you ever hear from are the special-interest groups, that the average citizen never contacts you about the issues.

Well, I want to say right now to the people of Alabama that I believe you do care, but you need to stand up and be counted.

A few months ago, the people of Alabama went to the polls in record numbers and voted overwhelmingly to save their oil money from a few special interests. The oil money investment yields the people approximately 60 million dollars per year. The reforms I propose will yield the people 40 million dollars per year, almost as much income as the entire oil-windfall bonus trust fund. Will this Legislature deny the people of Alabama 40 million dollars a year in services and a 40 million dollar a year hedge against new taxes by failing to pass the necessary reform legislation?

The Legislature has 105 House members and 35 Senators. The Speaker of the House as presiding officer of the House of Representatives appoints the committee chairmen, the committee members, and runs the House. The Lt. Governor as president of the Senate appoints the committee chairmen, the committee members, and runs the Senate. These two gentlemen, both announced candidates for governor, Speaker Joe McCorquodale and Lt. Governor George McMillan, play the major roles as to what gets passed and what doesn't get passed.

So if you, the state employees and teachers want these reforms, and I believe once you know the truth you will find my proposals

to be 100% in your best interest, and if you, the taxpayers, want these reforms, which are certainly in your best interest, call or write Lt. Governor George McMillan and let him know your views. Call or write Speaker Joe McCorquodale and let him know your views. Call or write your legislator and let him or her know your views. Call or write your governor and let me know your views. Unless you, the people, speak up, you will not get these reforms. I am going to make it easy for you by giving you our telephone numbers and asking you to call collect and state your views:

Lt. Governor George McMillan: 832-3492  
 Speaker Joe McCorquodale: 832-5187  
 Legislators' Number in Montgomery: 269-1801  
 Governor Fob James: 834-3568

Some will say this special session is costing the taxpayers four hundred thousand dollars. That is right. But if the Legislature adopts my retirement reforms, the taxpayers will save 40 million dollars a year from now on. These are the best proposals ever offered the people of Alabama . . . a return of 100 to one each and every year.

I respectfully request the Legislature work Monday through Friday, or as long as it takes, to pass these three bills: one to put prayer back in the schools; one to give the people an equal voice on the State Text Book Committee; and one to insure all public employees a good and sound retirement system at a price fair to the taxpayer, and the right for public employees to determine what is best for them and their families. Thank you.

**ALABAMA LAWS**  
**and Joint Resolutions**  
**SECOND SPECIAL SESSION 1982**

Act No. 82-684

H.J.R. 3—Rep. Manley

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**HOUSE JOINT RESOLUTION**

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a committee of three members of the House, to be named by the Speaker of the House, and three members of the Senate, to be named by the Presiding Officer of the Senate, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

Approved June 28, 1982

Time: 3:30 P.M.

Act No. 82-685

H.J.R. 4—Rep. Manley

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**HOUSE JOINT RESOLUTION**

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a joint session of the House and Senate be held at 6:30 P.M. on June 21, 1982 for the purpose of hearing the message of the Honorable Fob James, Governor of Alabama.

AND BE IT FURTHER RESOLVED, That a committee of three from the House, to be named by the Speaker of the House, and a committee of three from the Senate to be named by the Presiding Officer of the Senate, be appointed to wait upon the Governor and advise him that the two Houses will meet in joint session at the hour named above, for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House for the joint session.

Approved June 28, 1982

Time: 3:30 P.M.

Act No. 82-686

H.J.R. 6—Rep. Minus

## HOUSE JOINT RESOLUTION

HONORING MRS. PHYLLIS STEELE OF EPES, ALABAMA,  
ON THE OCCASION OF THE 100TH ANNIVERSARY OF HER  
BIRTH.

WHEREAS, it is with extreme pleasure that the legislature of Alabama notes the 100th birthday, on June 28, 1982, of Mrs. Phyllis Steele of Epes, Alabama; and

WHEREAS, born on June 28, 1882, to Thad and Alice Mitchell, in Sumter County, Alabama, Mrs. Phyllis "Blue" Steele was married in 1900 to Taylor Steele and they were the parents of four children, two of whom are still living, Bessie Benn and Annie Pearl Brown; and

WHEREAS, she has been a lifelong member of the Miller Hill Baptist Church and remembers going to church in an ox wagon when she was a child; and

WHEREAS, Blue Steele has devoted her life to the betterment of others and her many contributions to the community have immeasurably enriched others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join in congratulations extended to Mrs. Phyllis "Blue" Steele on her 100th birthday, wishing her continued happiness and joy into her second century of a full and rewarding life.

BE IT FURTHER RESOLVED, That Mrs. Steele receive a copy of this resolution that she, her family and many friends may be aware of our warm praise and high personal regard.

Approved June 28, 1982

Time: 3:30 P.M.

Act No. 82-687

H.J.R. 7—Reps. McKee, Adams (C),  
Adams (H), Albright, Amari,  
Barton, Bedsole, Bennett, Biddle,  
Blake, Boles, Bowling, Brakefield,  
Buskey, Cabaniss, Campbell,  
Carothers, Carter, Cates,  
Cheatwood, Clark (G), Clark (W),

Cobb, Coburn, Cooley, Cosby,  
 Crow, Daniels, Dial, Drinkard,  
 Edwards, Escott, Ford, Gafford,  
 Gilmer, Goodwin, Gregg,  
 Grimsley, Grouby, Hall,  
 Hammett, Harper (O), Harper (T),  
 Harrison, Harvey, Higginbotham,  
 Hines, Holley, Holmes, Horn,  
 Howard, Jackson, Johnson (R.G.),  
 Johnson (Roy), Kelley, Kennedy,  
 Laird, Langford, Letson, Lewis,  
 McCorquodale, McMillan,  
 Manley, Minus, Mitchell, Moore,  
 Naramore, Nevett, Olive, Owens,  
 Parker, Patton, Payne, Pegues,  
 Penry, Rains, Ray, Reed, Riddick,  
 Roberts, Sandusky, Sasser,  
 Seibels, Shavers, Shoemaker,  
 Smith (C), Smith (J), Smith (M),  
 Starkey, Stewart, Stout,  
 Trammell, Tucker, Turner,  
 Turnham, Venable, Waggoner,  
 Ward, Warren, Whatley,  
 Williams, Willis, Wyatt, Zoghby

## HOUSE JOINT RESOLUTION

### MOURNING THE DEATH OF MRS. CHARLENE WALKER DIXON OF PROSSER, WASHINGTON

WHEREAS, it is with deep sadness and regret that the Legislature of Alabama notes the death of Mrs. Charlene Walker Dixon of Prosser, Washington, on May 29, 1982, following a lengthy illness; and

WHEREAS, Mrs. Dixon, a native of Oklahoma but a longtime resident of the Prosser Community, was the devoted wife of Mr. Chesley L. Dixon and they were the parents of two sons, Larry and Charles Dixon; and

WHEREAS, though Mrs. Dixon's activities had been sharply curtailed as a result of her long and serious illness, she remained as always vitally interested in the affairs of her community and most particularly of her church, the First Christian Church of Prosser; and

WHEREAS, Mrs. Dixon was a warm and gracious lady, beloved of family and friends, and her death has left a deep void in the lives

of all those privileged to know and to love her as a generous and loving Christian lady; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mrs. Charlene Walker Dixon and express our most heartfelt sympathy to all members of her family.

BE IT FURTHER RESOLVED, That copies of this resolution be provided for Mr. Chesley Dixon, Mr. Charles Dixon and for our good friend and colleague, Representative Larry Dixon, that they all may know we truly share the sorrow of their great loss.

Approved June 28, 1982

Time: 3:30 P.M.

Act No. 82-688

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H.J.R. 9— Reps. Buskey, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner.



Turnham, Venable, Waggoner,  
Ward, Warren, Whatley,  
Williams, Willis, Wyatt, Zoghby

## HOUSE JOINT RESOLUTION

**MOURNING THE DEATH OF LEROY "SACHEL" PAIGE,  
LEGENDARY MEMBER OF THE BASEBALL HALL OF FAME  
AND A NATIVE OF MOBILE, ALABAMA.**

WHEREAS, the Legislature of Alabama has grievously noted the death of Mr. Leroy Paige in Kansas City, Missouri, on June 8, 1982, at the age of 75 years; his death came but three days following the renaming of the Kansas City CYO Stadium in his honor; and

WHEREAS, the legendary Leroy "Satchel" Paige was a native son of Alabama, born in Mobile on July 7, 1906, and educated at Council School in that city; and

WHEREAS, he began an unparalleled baseball career in the mid 1920's with the Chattanooga Black Lookouts, and continued to play in the Negro Leagues for the remainder of the '20's, throughout the 1930's and for most of the '40's; he also played in Alaska and South America, as well as in Puerto Rico, Cuba and Mexico; and

WHEREAS, "Satchel" Paige's Major League career began in 1948, at the age of 42, with the Saint Louis Browns; he later played with the Cleveland Indians, Atlanta Braves and the Kansas City Athletics, pitching an estimated 3,000 games during a career ended by his "official" retirement in 1969; and

WHEREAS, it is further to be noted that in 1971, when the 10-year requirement for entry into the Hall of Fame was lifted for Blacks who played in the Negro Leagues before 1947, Leroy "Satchel" Paige became the first Black to be elected to membership; and

WHEREAS, Satchel Paige also will long be remembered for his many famous sayings including perhaps his most memorable, "Don't look back. Something may be gaining on you"; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,  
BOTH HOUSES THEREOF CONCURRING,** That we grievously mourn the death of Alabama native, Leroy "Satchel" Paige, and direct that a copy of this resolution be provided for his family that they may know of our deeply shared sorrow in their great loss.

Approved June 28, 1982

Time: 3:30 P.M.

Act No. 82-689

H. 7—Reps. Minus, Manley, Clark (G)

## AN ACT

To propose an amendment to the Constitution of Alabama, 1901, to provide that Sumter, Choctaw, Greene, Hale, Pickens, Wilcox, Perry, Dallas and Marengo Counties shall be exempt from certain provisions of Act No. 82-407, H. 80 of the 1982 Regular Session, which relate to fees and hunting period for certain residents and nonresidents, and it provides further therefor.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The following amendment to the Constitution of 1901 is proposed and shall become a part thereof when approved by the qualified electors and proclaimed by the Governor as prescribed by law:

## PROPOSED AMENDMENT

(a) The provisions of Sections 9-11-44, 9-11-47 and 9-11-49, Code of Alabama 1975, as amended by Act No. 82-407, H. 80 of the 1982 Regular Session, shall not be applicable in Sumter, Choctaw, Greene, Hale, Pickens, Wilcox, Perry, Dallas and Marengo Counties. The provisions of Sections 9-11-44, 9-11-47 and 9-11-49, Code of Alabama 1975, shall be as they were prior to April 26, 1982, in the said counties.

(b) In said counties the fees shall be the same as prior to the enactment of said Act No. 82-407 and the season shall be that as prescribed statewide, by statute or promulgation. The fees may be changed by the legislature, from time to time, by joint resolution applicable to the said counties.

(c) This amendment shall not become operative as to Sumter, or Choctaw, or Greene, or Hale, or Pickens, or Wilcox, or Perry, or Dallas, or Marengo unless the same is approved by a majority of the qualified electors in such county who vote thereon upon a referendum called on such question; provided, however, that if a majority of the qualified electors of each such county who participate in the election held on the adoption of this amendment vote in favor thereof, no further election need be held therefor.

**Section 2.** An election upon the proposed amendment is ordered to be held at the next statewide general or special election after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

**Section 3.** Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

### CONSTITUTIONAL AMENDMENT

Passed the House as amended June 29, 1982

Passed the Senate July 2, 1982

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Act No. 82-690

H. 27—Rep. Drinkard

### AN ACT

Proposing an amendment to the Constitution of 1901, relating to Etowah County, authorizing the county governing body to provide for fire fighting districts and services within Etowah County and to maintain such districts.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The following amendment to the Constitution of 1901 is proposed and shall become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

### PROPOSED AMENDMENT

The governing body of Etowah County is hereby authorized to establish and maintain fire fighting districts within Etowah County. Said governing body is further authorized to enter into agreements with volunteer fire departments within such county for fire protection and services. The fire fighting districts herein authorized shall not include any corporate municipality of Etowah County unless such municipality requests through resolution of its governing body to be included in such fire fighting program. Any act heretofore enacted regarding said Etowah County fire fighting districts is hereby ratified and confirmed insofar as it is consistent with this amendment.

**Section 2.** An election upon the proposed amendment is ordered to be held at the next general election or special statewide election after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

**Section 3.** Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

### CONSTITUTIONAL AMENDMENT

Passed the House June 30, 1982

Passed the Senate July 2, 1982

Act No. 82-691

H. 44—Rep. Harvey

### AN ACT

Proposing an amendment to the Constitution of Alabama relating to the abolition of the offices of Tax Assessor and Tax Collector in Blount County and for the consolidation of the duties of said offices into a new office.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The following amendment to the Constitution of Alabama is proposed and shall become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

### PROPOSED AMENDMENT

The legislature may from time to time, by general or local law, provide for the abolition of the offices of Tax Assessor and Tax Collector of Blount County and create a completely new office in such county and transfer to such office the duties of each of the said offices of Tax Assessor and Tax Collector in such county; provided that the officer to fill the newly created office will be compensated for the performance of the duties of said office by a salary fixed according to law.

**Section 2.** An election upon the proposed amendment is ordered to be held at the next general, special, or primary election after the expiration of three months from final adjournment of the current session of the legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

**Section 3.** Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next

preceding the day appointed for the election in each county of the state. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

## CONSTITUTIONAL AMENDMENT

Passed the House June 29, 1982

Passed the Senate July 2, 1982

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Act No. 82-692

S. 56—Mr. Mitchem

## AN ACT

To propose an amendment to the Constitution of Alabama 1901; to amend Constitutional Amendment No. 214 relating to the promotion of poultry and poultry products, allowing the legislature by general law to provide for assessment of levies, financing, collection, distribution and expenditure of funds by a designated non-profit association; to provide that no assessment levied shall exceed 2 1/2¢ per hen, or other domesticated fowl or other classes of poultry.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The following amendment to Constitutional Amendment No. 214 of the Constitution of Alabama of 1901 is proposed, and shall become valid as a part of the Constitution when approved by a majority of qualified electors voting thereon and upon proclamation of the Governor:

## PROPOSED AMENDMENT

### PROMOTION OF POULTRY AND POULTRY PRODUCTS

Notwithstanding any other provision of this Constitution, the legislature may hereafter, by general law, provide for the promotion of the production, distribution, marketing and use of poultry and poultry products. The legislature may provide for the promotion of poultry and poultry products and the poultry industry by research, education, advertising and other methods, and the legislature is further authorized to provide means and methods for the financing of any such promotional activity by prescribing a procedure whereby producers, owners or growers of poultry may by referendum held among such producers, owners or growers of poultry in this state levy upon themselves and collect assessments, fees, or charges upon the sale of poultry and poultry products for the financing of any such promotional program or activity in cooperation with processors, dealers, handlers and other buyers of poultry and poultry products.

Provided, no assessment levied hereunder shall exceed two and one-half cents (2 1/2¢) per hen or other domesticated fowl or any other classes of poultry sold by producers thereof. The legislature is authorized to make provisions for nonpayment and for the refund of assessments levied upon owners, producers or growers of poultry to any such person who does not desire to participate in the promotional program. The legislature shall provide for the collection and distribution of assessments or charges authorized hereunder and to provide penalties for failure to make such collection and distribution of assessments. The legislature shall provide for the designation of a nonprofit association or organization organized for the promotion and betterment of poultry and poultry products in Alabama to administer and carry out such promotional program which shall include conducting elections or referendum among producers, owners or growers of poultry. The legislature shall further provide for the deposit, withdrawal, disbursement and expenditure by the designated association of any funds received subject to the supervision and control of the activities authorized herein by the department of agriculture and industries and the state board of agriculture and industries. Assessments, fees or other charges collected as authorized by any legislative act adopted under authority hereof shall not be considered as a tax within the meaning of this Constitution or any provision thereof. Any uniformity requirements of this Constitution shall be satisfied by the application of the program upon poultry and poultry products.

**Section 2.** An election upon the proposed amendment is ordered to be held on the date of the general election next succeeding the final adjournment of the current session of the legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

**Section 3.** Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

## CONSTITUTIONAL AMENDMENT

Passed the Senate June 30, 1982

Passed the House July 2, 1982

## AN ACT

To create the Shelby County Planning Commission; to provide for the organization membership, powers, personnel, jurisdiction, and financial and legal status of such commission; to authorize the Commission to make subdivision regulations, a master plan, and to adopt zoning regulations for the development of Shelby County; to provide for an election in each beat prior to the application of such authority of the Commission in each beat; to grant the Commission power to zone certain areas within the county and provide a procedure for the amendment of zoning regulations; to prohibit zoning regulations from being retroactive; to provide remedies for the enforcement of the provisions of this act; to provide exceptions to such zoning regulations and for appeals from the decisions of the Commission; and to provide for the ratification, approval, validation and confirmation of Act No. 816 approved September 2, 1965 and all actions taken by the Shelby County Planning Commission, officials of Shelby County, and the electors of Shelby County, or any beat therein, as of the date they were taken.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Creation of County Planning Commission. There is hereby created a Planning Commission for Shelby County, Alabama which Commission shall be appointed as herein provided and shall have responsibilities and duties as are stated herein. The Commission shall be known as the Shelby County Planning Commission. The term, "county governing body" when used herein shall refer to the Shelby County Commission or its successors.

**Section 2.** Personnel of the Shelby County Planning Commission. The Commission shall be composed of seven members, all of whom shall be over the age of 25 years and each of whom shall be a qualified elector in and an actual resident of and a free-holder in Shelby County who resides outside the corporate limits of any municipality therein. Two of the members shall be appointed by the Shelby County Commission, two shall be appointed by the Shelby County Board of Education, two shall be appointed by the Shelby County Bar Association, and one shall be appointed by the Judge of the Circuit Court of Shelby County. Not over two members of the Commission shall come from any one beat of the County. Each member shall serve a term of six years and until his successor is duly appointed and qualified. Prior to taking office each member shall subscribe to an oath as provided by law for public officials and the same shall be recorded in the Probate Office of Shelby County. The original members of this Commission shall draw lots to determine the period of time each is to serve and the terms of two shall expire two years from the date of the organization of the Commission, the terms of two shall expire four years from the date of the organization of the Commission and the terms of three shall expire six years from the date of the organization of the Commission. In the event of a vacancy on the Commission the same shall be filled as in the case of the original appointment. All members shall serve without compensation, and the members shall hold no other county office. However, reasonable

and necessary expenses of the members shall be paid from the General Fund of Shelby County.

**Section 3. Jurisdiction of Commission.** The jurisdiction of the Commission shall extend to all areas of the county outside the boundaries of municipal corporations; provided, however, that where a municipality now or in the future is authorized to exercise and does in fact exercise planning and zoning powers in any area outside its municipal boundaries, such areas shall be excluded from the jurisdiction of the county planning commission.

**Section 4. Organization and rules.** The Commission shall elect its chairman and create and fill such other offices as it may determine. The term of chairman shall be for one year, with eligibility for re-election. The commission shall normally hold at least one regular meeting each month. It shall adopt by-laws for the transaction of business and shall keep a record of its resolutions, transaction of business, which record shall be a public record. Five of the members shall constitute a quorum to transact the business of the Commission.

**Section 5. Staff and Finances.** The commission may appoint, promote, demote, and remove such employees as it deems necessary for its work. The Commission may also contract with county or city planners, engineers, architects, and other consultants and with any local, state, or federal agency for such services as it may require. The commission may cooperate with and accept funds from Federal, state and local public or semi-public agencies, private individuals or corporations, and may expend such funds, and may carry out such cooperative undertakings and contracts for planning studies necessary in the performance of its duties. The expenditures of the Commission, exclusive of gifts, grants, or contract receipts, shall be within the amounts appropriated for the purpose by the county governing body.

**Section 6. General Power and Duties of the Commission.** It shall be the function and duty of the commission to make and maintain in an up-to-date manner a master plan and to adopt appropriate zoning regulations as provided by Section 10 hereof for the physical development of Shelby County; provided, however, that the Commission shall have no power, by the adoption of zoning regulations or otherwise, to limit or impair in any manner the use of land for mining, quarrying or otherwise extracting coal, limestone or other minerals located therein, or for processing or distribution of such minerals. Such plan and regulations with the accompanying maps, plats, charts, and descriptive material shall show the Commission's recommendations for the use and development of the territory of the said county. The zoning regulations shall also include a zoning plan for selected areas for the control of the height, area, bulk, location, and use of buildings and land. As the work of making the whole master



plan and preparation of zoning regulations progresses, the Commission may from time to time adopt and publish a part or parts thereof, any such part to cover one or more major sections or divisions of the county. The commission may from time to time amend, extend, or add to the plan or regulations as hereinafter provided. Nothing in this act shall be construed to impair the right of eminent domain conferred on railroads and utilities, both public and private, or their right to construct, use and maintain structures reasonably required in the public service or their right to exercise authority conferred by statutes, franchises, certificates of convenience and necessity, licenses, easements or conveyances.

**Section 7. Purposes in View.** In the preparation of the master plan and zoning regulations, the commission shall make careful and comprehensive surveys and studies of the present conditions existing within the county with due regard to existing agricultural uses, to land by virtue of its fertility, proximity to water supplies, and other geographical features is particularly suited to agricultural uses, to neighboring municipalities, towns and villages, to the growth of subdivisions, to the general population growth of the county, and make adequate provision for traffic, recreational areas and industry, and other public requirements. The plan and zoning regulations should be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the county, which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development, and should promote safety from fire, flood and other dangers, the healthful and convenient distribution of population, and the wise and efficient expenditure of public funds. The plan and regulations shall be a public record, but its purpose and effect shall be to aid the planning commission in the performance of its duties, including making recommendations to the county governing body and assisting cooperating with other federal, state and local agencies so as to achieve coordinated, adjusted, and harmonious development.

**Section 8. Election to Determine if Beat is to be Covered by The Master Plan and Zoning Regulations.** The master plan and zoning regulations provided by the Commission shall not be applicable in any beat of Shelby County until the majority of the qualified electors of the beat voting in a special election shall have signified by their vote that they desire the authority of the Commission, its master plan and the zoning regulations to apply to their beat. Such an election must be held not less than 30 nor more than 45 days after a petition is filed in the office of the judge of probate seeking such an election and signed by no less than 25 electors who vote in said beat and who also own an interest in real estate that is located in

such beat. Notice of such election shall be given by three weeks publication and posting notice in two public places within the beat. The cost of conducting said election shall be paid from the General Fund of Shelby County. The ballot shall be so worded as to give the voter the opportunity to vote either "Yes" or "No" as to whether he wishes the authority of the Commission, its master plan and the zoning regulations to apply to such beat. Only those qualified electors outside of the boundaries of municipal corporations, or where a municipality now or in the future is authorized to exercise, and does, in fact, exercise planning and zoning powers in any area outside its municipal boundaries, or such areas excluded from the jurisdiction of the commission as set out in Section 3, shall be permitted to vote or sign a petition calling for election in the beat concerned and a statement to this fact shall be carried on the ballot and the petition or said ballot and petition shall not be valid.

**Section 9. Subdivision Regulations.** The Commission shall adopt a code of regulations applicable to the subdivision of land and plats of subdivisions shall not, after the adoption of such code of regulations, be accepted for filing and recording in the Probate Office until they have been approved in a manner to be designated by the Commission. The Commission is hereby authorized to provide a penalty not to exceed \$100 per lot to be paid by anyone who sub-divides property and conveys lots therefrom without first having recorded the plat of such subdivision as is herein provided. The provisions of this section shall apply within the jurisdiction of the Commission as specified in Section 3.

**Section 10. Zoning; Grant of Power.** For the purpose of promoting the health, safety, morals, convenience, order, prosperity and general welfare of the County, the Commission is hereby empowered to divide the portion of the county within its zoning jurisdiction into districts of such number, shape and area as may be found best suited to carry out the purposes of this act, and to provide within such districts for standards relating to the use of the land and the types and kinds of structures that may be erected in such districts, excluding all buildings having a cost of under five hundred (500.00), and all home remodeling or modification in such districts. Such provision shall be made in accordance with a comprehensive plan and shall be designed to lessen congestion in the streets and highways; to secure safety from fire, flood, panic and other dangers; to provide health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue mixed use of land; to facilitate the adequate provision of transportation, water supply, sewerage, schools, parks and other public requirements. Such provisions shall be made with reasonable consideration, among other things, of the character of the land and district and its peculiar suitability for particular uses and with a view of promoting desirable living conditions, sustaining

the stability of neighborhoods, protecting property against blight and depreciation, securing economy in governmental expenditures, conserving the value of buildings; and encouraging the most appropriate use of land and of buildings and structures throughout the jurisdiction of the Commission. For the purpose of providing for the division of the territory into districts, consonant with the conditions provided in this section, the Commission may make a single zoning plan for all the territory of the area which lies within its jurisdiction or may make and certify separate and successive zoning plans for parts of such territory which it deems suitable for urban or suburban development or which for other reasons it deems to have appropriate territorial unity for a zoning plan; and correspondingly any zoning regulations enacted by the Commission may cover and include the whole territory lying within its jurisdiction or such territory as the commission deems to be appropriate territorial unit for a zoning plan.

**Section 11.** Publication of Notice of Proposed Change in Zoning Regulations. Once zoning regulations have become applicable to a beat as provided by Section 8 hereof, such regulations shall not be changed by the Commission until the proposed change has been published for three weeks in a newspaper of general circulation within the county together with a notice stating the time and place that the change in regulations will be considered by the Commission, and stating further that at such time and place all persons who desire shall have an opportunity to be heard in favor of or in opposition to such change in such zoning regulations.

**Section 12.** Zoning Regulations Shall not be Retroactive. No zoning regulation adopted by the Commission shall change any use to which land is being made at the time such zoning regulations become applicable in any beat.

**Section 13.** Remedies. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, with the exception of those buildings or structures as excluded in Section 10, or any subdivision is established, or land used in violation of this enactment or of any regulation made under the authority conferred hereby, the county attorney, or other appropriate administrative officer of the Commission may institute any appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or subdivision of the land or use of the land to restrain, correct, or abate such violation, or to prevent the occupancy of any such building, structure, subdivision or land or to prevent any illegal act, conduct, business, or misuse in or upon any premises regulated under the authority conferred by this article.

**Section 14.** Exceptions to Zoning Regulations. The Commission may in appropriate cases and subject to appropriate conditions

and safeguards, make special exceptions to the terms of the zoning regulations in harmony with its general purposes and interests and in accordance with general or specific rules adopted by the Commission. Anyone wishing to appeal from an existing zoning regulation may file a written petition stating the basis for such appeal whereupon the Commission shall fix a date for such hearing, giving notice as to the Commission may seem appropriate, and on such hearing the Commission shall have the following powers: (1) to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Commission or official in the enforcement of this article of any regulation adopted pursuant thereto; (2) to hear and decide on requests for special exceptions to the term or provisions of the regulations upon which such Commission is required to pass; (3) to authorize upon appeal in special cases such variance from the yard, open space, land use, bulk and height requirements of the regulation as will not be contrary to the public interest, where, owing to special conditions of the building site or land, a literal enforcement of the provisions of the regulation will result in unnecessary hardship, all in order that the spirit of the regulations shall be observed and substantial justice done.

**Section 15. Appeals.** Any party aggrieved by any final judgment or decision of the Commission pursuant to the provisions of Section 14 may within 15 days thereafter appeal therefrom, which appeal shall rest upon the contention that such zoning regulations in question are unreasonable, discriminatory, unconstitutional, or otherwise invalid, and such appeal shall be addressed to the circuit court or other court having like jurisdiction within the county where the affected property of the aggrieved party is located, by filing with such Commission a written notice of appeal specifying the judgment or decision from which the appeal is taken. In case of such appeal the Commission shall cause a transcript of the proceedings in the cause to be certified to the court to which the appeal is taken.

**Section 16.** Anything to the contrary herein, notwithstanding: (1) Act No. 816 (H.952) creating the Shelby County Planning Commission; providing for the organization, membership, powers, personnel, jurisdiction, and financial and legal status of such commission; authorizing the Commission to make subdivision regulations, a master plan, and to adopt zoning regulations for the development of Shelby County; providing for an election in each beat prior to the application of such authority of the Commission in each beat; granting the Commission power to zone certain areas within the County and providing a procedure for the amendment of zoning regulations; prohibiting zoning regulations from being retroactive; providing remedies for the enforcement of the provisions of such act; and providing exceptions to such zoning regulations and for appeals from the decisions of the Commission approved September 2, 1965; and (2) all

actions of any kind of the Shelby County Planning Commission, officials of Shelby County, or the electors of Shelby County, or any beat therein, taken under the color of authority of said Act No. 816 - are hereby in all things ratified, approved, validated and confirmed as of the date they were taken.

**Section 17. Severability.** The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 18. Effective Date.** This Act shall become effective upon the signature of the Governor.

Approved July 2, 1982

Time: 1:30 P.M.

Act No. 82-694

H. 123—Reps. Dial, Minus, Shoemaker, Pegues, Johnson (R. G.), Harper (T), McMillan, Venable, Warren, Carothers, Grimsley, Cates, Hall, Wyatt, Harper (O), Brakefield, Sasser, Grouby, Edwards, Rains, Turner, Gafford, Laird, Cheatwood, Willis, Hammett, Blake, Carter, Gilmer, Cosby, Adams (H), Dixon, Harvey, Ford, Williams

### AN ACT

To direct the commissioner of revenue to delay the new property tax reassessment plan recently promulgated.

WHEREAS, a recent property tax reassessment plan of the commissioner of revenue utilizes a formula for the evaluation of residential property in our state using 6.0 as an index rate; and

WHEREAS, with the implementation of this new ruling of the commissioner, taxes would automatically increase some 25 percent for the average residential property owner in Alabama; and

WHEREAS, in rebuttal of the 6.0 index plan the legislature contends that the formula is improper in that such costs as discount points and real estate commissions are included in the evaluation for tax assessments; and

WHEREAS, it is conservatively estimated that such a plan will increase taxes of Alabamians some \$125 million without legislative approval or action of any kind; now therefore,

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Notwithstanding any rule, regulation or law to the contrary, the commissioner of revenue is hereby directed to delay the new property tax reassessment plan for one calendar year, until the ad valorem tax year beginning October 1, 1982, and to continue to allow property to be taxed at the value as assessed for 1980-81 provided however, nothing in this Act shall be deemed to affect any provision of any Act heretofore passed by the legislature respecting the assessment of Class III property at its current use value for any tax years beginning on or after October 1, 1981.

**Section 2.** All laws or parts of laws which conflict with this act are hereby repealed.

**Section 3.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Passed, the Governor's veto to the contrary notwithstanding, on July 2, 1982.

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Act No. 82-695

S. 66—Mr. Pearson

### AN ACT

Proposing an amendment to the Constitution of Alabama which grants certain powers and authority to the governing bodies of Bullock, Coffee, Coosa, Dallas, Etowah, Geneva, Houston, Jefferson, Lawrence, Macon, Marengo, Mobile, Morgan, Talladega, Madison, Shelby, and Tuscaloosa Counties and of the municipalities situated therein relating to the acquisition, leasing, sale and development of industrial site and industrial park projects, said amendment to be effective only in such counties where approved by the voters thereof.

#### *Be It Enacted by the Legislature of Alabama:*

**Section 1.** The following amendment to the Constitution of Alabama of 1901 is proposed, and shall become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation of the Governor:

#### PROPOSED AMENDMENT

For the promotion of local economic and industrial development, the governing body of Bullock, Coffee, Coosa, Dallas, Etowah, Geneva, Houston, Jefferson, Lawrence, Macon, Marengo, Mobile, Morgan, Talladega, Madison, Shelby, and Tuscaloosa Counties and of each municipality situated in said counties, other provisions of law or this Constitution notwithstanding, shall each have, independently or in cooperation with one or more of such governmental entities in such

counties, full and continuing power (a) to purchase, lease or otherwise acquire, land, or to utilize land heretofore purchased or otherwise acquired, and to improve and develop such land for use as industrial site, or industrial park, projects, including, but not limited to, grading and the construction of roads, drainage, sewers, sewage and waste disposal systems, parking areas and utilities to serve said projects, and (b) to lease, sell, grant, exchange, or otherwise convey, on terms approved by the governing body of the county, or of municipality exercising such power, all, or any part of, any such project to any person, firm or corporation, public or private, including to any industrial development board or authority heretofore or hereafter created by any such county or municipality therein, for the purpose of the constructing, or developing thereon, by such purchaser or lessees, and the equipping and operating of, industrial, transportation, distribution, warehouse or research facilities, and of office and other facilities auxiliary to the foregoing. Nothing herein shall authorize the counties named, or any municipality there, to construct residential or any other buildings for the purpose of lease or sale.

In carrying out the purposes of this amendment, neither the governing bodies of the counties named hereinabove, nor of any municipality situated in said counties to which this amendment is or becomes applicable, shall be subject to the provisions of Sections 93 or 94 of the Constitution of Alabama, as amended. The provisions of this amendment shall be self-executing and the powers granted hereby may be exercised as alternative to, or cumulative with, and in no way restrictive of, powers otherwise granted by law to the governing body of such counties, or of any municipality therein, or to any agency, board, or authority created or approved thereby pursuant to this Constitution or the laws of this State.

The names and addresses of all parties involved in conveyances of land herein provided, and the amount of any monies paid or received, shall be published in the newspaper in the county with the largest circulation.

This amendment shall not be construed to grant any power of eminent domain in addition to that which may be provided otherwise by statute heretofore or hereafter enacted by the Legislature of Alabama; nor shall this amendment be construed to affect the annexation statutes heretofore or hereafter enacted by said Legislature.

Furthermore, no county or municipality shall sell any real property acquired under the authority hereof for a price less than its actual purchase and development cost of such property, unless:

(a) The price be approved at a public meeting of the governing body of such county or municipality; and

(b) At least fourteen (14) days prior to such public meeting at which such price is approved by such governing body, it has published notice in the newspaper with the largest circulation in the county in which the property is located stating (1) the acreage proposed to be sold, (2) the section or sections or subdivisions of record in which the property is located, (3) the price per acre at which sale is proposed to be made, and (4) the place where a map of the property can be examined by the public; and

(c) The price thus approved is no less than the price advertised as aforesaid; provided, however, that should any real property be acquired for any purpose authorized by this amendment by eminent domain pursuant to other legislative authority as aforesaid, such property shall not be sold, in any event, for less than the price determined and paid pursuant to the orders of the court in such condemnation proceedings. Provided further, that no municipality shall acquire real property in unincorporated areas without a prior consent thereto as expressed in a resolution by the county governing body. Provided further, that no county or municipality shall acquire real property which is located in another county or municipality without such other county's or municipality's prior consent thereto as expressed in a resolution by its governing body. Nothing in the provisions of this constitutional amendment shall be construed to allow construction of dormitories or other type housing on or off university or college campuses.

**Section 2.** An election upon the proposed amendment is ordered to be held at the next general, special, or primary election after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama, 1975.

**Section 3.** Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in each county of the state. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

**Section 4.** This amendment shall not become effective in any of the counties herein as listed in the title and Section 1 unless it be approved by a majority of the electorate of the respective county participating in the election for the ratification of this amendment, as provided for in Section 2 above.



CONSTITUTIONAL AMENDMENT

Passed the Senate as Amended June 23, 1982

Passed the House as Amended July 1, 1982

Passed the Senate as Amended by Conference Committee Report  
July 2, 1982

Passed the House as Amended by Conference Committee Report  
July 2, 1982

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Act No. 82-696

H.J.R. 21—Rep. Carter

HOUSE JOINT RESOLUTION

COMMENDING THE LIMESTONE COUNTY SCHOOLS  
FOR EXCELLENCE OF ACHIEVEMENT.

WHEREAS, during the 1981-82 school year, the Limestone County Board of Education has wisely continued its course of fiscal responsibility; and

WHEREAS, the burden of implementing the necessary economic measures has fallen chiefly on the shoulders of the employees of the Limestone County Schools who have met the challenge during the 1981-82 school year, performing beyond the "Call of Duty"; and

WHEREAS, the professional and auxiliary personnel of the Limestone County Schools are dedicated to teaching their students the basic, academic skills essential to effective citizenship; and

WHEREAS, these professional and auxiliary personnel were determined that 1981-82 school year was NOT the time to RETREAT, but to ATTACK; and

WHEREAS, in the face of overwhelming adversity and economic instability, Limestone County Schools resolved to move from position NUMBER FOUR among the county systems of our State to NUMBER ONE, in terms of the composite of total batteries of all CAT test scores of the Alabama State Testing Program; and

WHEREAS, compilation of said scores reveals that Limestone County ranks FIRST among all 67 county systems—FIFTEENTH among all 127 city and county systems; and

WHEREAS, the 1982 Limestone County composite battery scores in all grades are above the National Norm, and exceed the State Summary, and 1981 Limestone County composite scores in all grades, as well; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That full recognition and gratitude is hereby extended to the Limestone County Board of Education, its Superintendent, and all PROFESSIONAL AND AUXILIARY PERSONNEL for the great PRIDE and devotion to DUTY in forging standards of excellence that will inspire Limestone boys and girls to unparalleled heights of academic achievement and educational fulfillment.

BE IT FURTHER RESOLVED, That a copy of this Resolution be presented to the respective staffs of each Limestone County school and to the Limestone County Board of Education and its Superintendent that it may be spread upon the minutes of said Board.

Approved July 8, 1982

Time: 3:00 P.M.

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Act No. 82-697

H.J.R. 23—Reps. Buskey, Clark (W), Zoghby,  
Stewart, Kennedy

### HOUSE JOINT RESOLUTION

COMMENDING WAYNE ABLE OF MOBILE, ALABAMA AS “NATIONAL HOME RUN KING” OF HIGH SCHOOL BASEBALL.

WHEREAS, Wayne Able made 19 home runs during the season, the most ever by a high school student; and

WHEREAS, he led Davidson High School to the regional championship this past season; and

WHEREAS, he played center field and maintained a .438 batting average; and

WHEREAS, coming to bat 130 times, he made 56 runs, 19 home runs, 7 doubles, 76 RBI's, 33 walks, and 13 stolen bases; and

WHEREAS, it was his 19th home run which broke the national record; and

WHEREAS, he placed 2nd on the all-time national list of RBI's with 76; and

WHEREAS, he plans to attend the University of South Alabama or the University of Kentucky; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we wish him well in whatever future endeavors he might choose to undertake.

BE IT FURTHER RESOLVED, That Wayne Able and Davidson High School be presented with copies of this resolution as our token of commendation.

Approved July 8, 1982

Time: 3:00 P.M.

Act No. 82-698

H.J.R. 29--Rep. Stewart

#### HOUSE JOINT RESOLUTION

COMMENDING CAPTAIN THURE G. ECKART FOR OUTSTANDING ACCOMPLISHMENT.

WHEREAS, Captain Thure G. Eckart of Mobile, Alabama, is a native of Norrcooping, Sweden, who received his American citizenship on June 23, 1915, at the age of 30 years; and

WHEREAS, he received a Seaman's License in 1917 and retired as Captain of a Merchant Ship after more than one-half century on duty on the Oceans and Seas throughout the world; and

WHEREAS, Captain Eckart, who received the Master Mason Degree in 1926 in Mobile Lodge Number 40, Mobile, Alabama, was awarded the Grand Lodge of Alabama 50-Year Award of Gold in February 1976; he received the Scottish Rite 50-Year Membership Pin, also in 1976, in the Mobile Scottish Rite Bodies and was selected as Mobile "Man of the Year" for 1976 from among more than 8,000 Mobile Masons; and

WHEREAS, for service to the Masonic Fraternity, Captain Eckart was made an Honorary Life Member of all Masonic Lodges in Mobile County on his 95th birthday, April 8, 1980; he yet remains active in Masonry after 56 years of continuous service and at the age of 97 years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend Captain Thure G. Eckart of Mobile on both his distinguished career at sea and on his major accomplishments as a Master Mason, Man of the Year and as an Honorary Life Member of the Masonic Fraternity.

BE IT FURTHER RESOLVED, That Captain Eckart be presented with a copy of this resolution that he may be aware of our sincere commendation and utmost regard.

Approved July 8, 1982

Time: 3:00 P.M.

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Act No. 82-699

H.J.R. 35—Rep. Gafford

### HOUSE JOINT RESOLUTION

COMMENDING RONALD E. HENDERSON, M.D. UPON HIS ELECTION TO THE AMA COUNCIL ON MEDICAL SERVICE

WHEREAS, Ronald E. Henderson, M.D. of Birmingham was recently elected by the American Medical Association House of Delegates to serve as a member of the AMA Council on Medical Service; and

WHEREAS, the effectiveness and accomplishments of any organization are measured and determined by the quality of its leadership, this truism having been forcefully demonstrated by the election of Dr. Ronald E. Henderson to this national post while also serving as President of the Medical Association of the State of Alabama; and

WHEREAS, the State of Alabama is extremely fortunate in having such a distinguished citizen serving our State and Nation who is dedicated to the furtherance of the science and art of medicine and the betterment of public health; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE OF ALABAMA CONCURRING, that we do hereby commend Ronald E. Henderson, M.D., upon his election to the Council on Medical Service of the American Medical Association.

BE IT FURTHER RESOLVED, that a copy of this Resolution be sent to Ronald E. Henderson, M.D.

Approved July 8, 1982

Time: 3:00 P.M.

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Act No. 82-700

H.J.R. 42—Rep. Stewart

### HOUSE JOINT RESOLUTION

COMMENDING THE REVEREND ALEX BARRAUD HANSON, JR.

WHEREAS, the Reverend Alex Barraud Hanson, Jr., of Mobile, Alabama, is a native of Birmingham who matriculated at Sewanee Theological Seminary, Sewanee, Tennessee, and was ordained an Episcopal Minister in June 1928; and

WHEREAS, the Reverend Hanson served the ministry, in Alabama, Georgia, North Carolina, Kansas, Tennessee and in Texas, for more than one-half century; and

WHEREAS, he received the Master of Mason Degree in 1930 at Mitchell Lodge Number 563, Colorado City, Texas, and the Grand Lodge of Alabama 50-Year Award of Gold on March 24, 1982, at Mobile Lodge Number 40 at Mobile, Alabama; and

WHEREAS, the Reverend Hanson has served as Chaplain in Masonic Lodges for more than 50 of his 52 years in active Masonry; and

WHEREAS, in addition to Lodges in Colorado City and Corsicana, Texas; Concordia, Kansas; Douglas, Georgia; Franklin, Tennessee; and in Murphy and Erwin, North Carolina, the Reverend Hanson has served as Chaplain in eight Masonic Bodies in the Mobile area; and

WHEREAS, he further served as Grand Chaplain of the Grand York Rite of Alabama for three years—as Chaplain of the Grand Chapter in 1970, Grand Chaplain of the Grand Chapter in 1973 and as Grand Prelate of the Grand Commandery in 1974; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the Reverend Alex Barraud Hanson, Jr., for outstanding accomplishment as an active Mason for 52 years; we further warmly praise his most distinguished service in the Episcopal Ministry and direct that he receive a copy of this resolution in declaration of our utmost regard.

Approved July 8, 1982

Time: 3:00 P.M.

**ORDERING COMMISSIONER OF REVENUE RALPH EAGERTON TO ISSUE DISTINCTIVE LICENSE PLATES FOR DISABLED VETERANS.**

WHEREAS, Section 32-6-130, Code of Alabama 1975, which was originally enacted into law in 1963 and subsequently amended provides for the design and issuance of special license plates for disabled veterans; and

WHEREAS, this statute mandated almost 20 years ago that the aforementioned plates be issued under rules and regulations promulgated by the state department of revenue; and

WHEREAS, the Commissioner of Revenue Ralph Eagerton has failed to prescribe any regulation relating to these special license plates; now therefore,

**BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING,** That we hereby order the Commissioner of Revenue Ralph Eagerton to immediately carry out the provisions of Section 32-6-130, Code of Alabama 1975.

**BE IT FURTHER RESOLVED,** That a copy of this resolution be sent to Mr. Eagerton that he may know of this command.

Approved July 8, 1982

Time: 3:00 P.M.

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Act No. 82-702

H.J.R. 49—Rep. Hammett

**HOUSE JOINT RESOLUTION**

**COMMENDING MISS MAGGIE RODGERS, OF ANDALUSIA, ON OUTSTANDING COMMUNITY SERVICE.**

WHEREAS, the Legislature of Alabama takes great personal pride in noting the numerous accomplishments of Miss Maggie Rodgers of Andalusia, Alabama; and

WHEREAS, born on August 24, 1916, to Mr. and Mrs. William James Rodgers, Maggie Rodgers is a lifelong resident of Andalusia and Covington County; and

WHEREAS, she has worked for the First Federal Savings and Loan Association for thirty-six years in a variety of capacities including Senior Loan Officer, Secretary-Treasurer, Director, Executive Vice-President and Managing Officer, Chairman of Public Relations, and Consultant to the President; and

WHEREAS, her many contributions to the community and its citizens include being a charter member of the Andalusia Business and Professional Women's Club, which voted her Local Woman of Achievement in 1979 and nominated her for statewide recognition in this capacity, and serving on the Board of Directors for the public library; and

WHEREAS, Maggie Rodgers is a devoted member of the First United Methodist Church and served as a Local, District, and Conference Officer; she has served at every level of the Alabama-West Florida Conference; and

WHEREAS, she has exhibited throughout her life those admirable attributes of helpfulness, friendliness, dedication to duty, and concern for her fellowman; and

WHEREAS, on July 1, 1982, land purchased and developed by the First Federal Savings and Loan Association is being designated "The Maggie Rodgers Park"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend and congratulate Miss Maggie Rodgers on her outstanding civic and charitable service to the community.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to her as evidence of our high regard and warm esteem.

Approved July 8, 1982

Time: 3:00 P.M.

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Act No. 82-703

H.J.R. 50—Rep. Sasser

### HOUSE JOINT RESOLUTION

COMMENDING MR. CURTIS BULL FOR OUTSTANDING SERVICE TO ALABAMA AVIATION AND TECHNICAL COLLEGE.

WHEREAS, Mr. Curtis Bull is Supervisor of On-Campus Housing at Alabama Aviation and Technical College; and

WHEREAS, it would be impossible to measure the positive influence he has exerted over the young dormitory residents in his charge, the personnel at AATC, and the many people who are privileged to know him; and

WHEREAS, Mr. Bull provides an excellent role model for the students at AATC; he is a quiet, honest, gentle and understanding person; and

WHEREAS, as a young man, he was a member of the Civilian Conservation Corps for 4 1/2 years, and he served as the assistant to the educational advisor of the CCC; and

WHEREAS, in the early 1940's, Mr. Bull joined the Army Air Corps where he served until World War II was over (5 years); and

WHEREAS, Mr. Bull's career as a law enforcement officer began in Panama City, Florida, in 1945, and he later served as Chief of Police for the Cities of Enterprise, Alabama (1948-1952), and Troy, Alabama (1952-1963); now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily commend Mr. Curtis Bull for his outstanding service to Alabama Aviation and Technical College.

RESOLVED FURTHER, That a copy of this resolution be sent to Mr. Bull.

Approved July 8, 1982

Time: 3:00 P.M.

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Act No. 82-704

H.J.R. 52—Rep. Bedsole

### HOUSE JOINT RESOLUTION

COMMENDING THE MOBILE COUNTY CIVIL DEFENSE OFFICE FOR ITS NATIONAL RECOGNITION AS ONE OF THE MOST OUTSTANDING AGENCIES IN THE UNITED STATES.

WHEREAS, it is with utmost commendation and in warm personal pride that the Legislature of Alabama notes the national recognition accorded the Mobile, Alabama, Civil Defense Office through its designation as both "noteworthy" and "outstanding"; and

WHEREAS, this signal honor was the conclusion of a three-year research project on Community Response to Natural Hazard Warnings; the project was funded by the National Science Foundation, the Federal Emergency Management Agency and the National Weather Service, and was conducted by Dr. Robert K. Leik, Dr. Michael Carter, Dr. John P. Clark and by Knut Ekker and Associates from the University of Minnesota; and



WHEREAS, the team surveyed thirty-one civil defense or emergency preparedness agencies throughout the United States and explored specific areas including the response of community service agencies to warnings, the dissemination of warnings to other community agencies and to the public, as well as the response of the general public to the warnings issued; and

WHEREAS, the results of the three-year in-depth study pointed to four of the sites under consideration as optimal civil defense organizational structures with two agencies only, one of which was the Mobile office, designated as most particularly noteworthy and outstanding; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the Mobile County Civil Defense Agency for extraordinary achievement and enthusiastically congratulate the office on its national recognition as one of two of the most outstanding civil defense agencies in the United States.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the Director of the Mobile, Alabama, Civil Defense Agency that he and his entire staff may be aware of this body's great pride and pleasure in their accomplishments.

Approved July 8, 1982

Time: 3:00 P.M.

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Act No. 82-705

H.J.R. 58—Rep. Venable

### HOUSE JOINT RESOLUTION

PROVIDING A COMMON DATE FOR HOLDING ELECTIONS ON CERTAIN CONSTITUTIONAL AMENDMENTS.

WHEREAS, the Justices of the Supreme Court of Alabama on a former occasion advised the Legislature in an Opinion of the Justices, No. 177, 275 Ala. 372, 1963, that there is no constitutional impediment in the same Legislature at a succeeding session changing the date for holding the election on a proposed amendment; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the constitutional amendments proposed by Acts 82-171, H.B. 652; 82-299, H.B. 689; and 82-332, S.B. 110, shall be presented to the voters at an election to be held on September 7, 1982.

The constitutional amendments proposed by Acts 82-78, H.B. 54; 82-100, S.B. 328; 82-151, H.B. 574; 82-200, H.B. 651; 82-201, H.B. 48; 82-202, S.B. 454; 82-329, S.B. 546; 82-333, S.B. 502; 82-215, H.B. 741; 82-216, H.B. 742; 82-217, H.B. 760; and 82-630, H.B. 94 shall be presented to the voters at an election to be held on September 28, 1982.

The constitutional amendments proposed by Acts 82-300, S.B. 302; 82-330, S.B. 468; 82-331, H.B. 616; 82-96, H.B. 473; and 82-214, H.B. 734 shall be presented to the voters at an election to be held on November 2, 1982.

BE IT FURTHER RESOLVED, That all constitutional amendments not enumerated herein shall be presented to the voters on November 2, 1982.

Approved July 8, 1982

Time: 3:00 P.M.

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Act No. 82-706

S. 4—Mr. White

### AN ACT

To further amend Section 8 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965, establishing a pension system for employees and officers of Jefferson County, Alabama, as said Section 8 has been heretofore amended.

#### *Be It Enacted by the Legislature of Alabama:*

**Section 1.** It is hereby provided that Section 8 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965, (Ala. Acts, 1965, pages 717-739), establishing a pension system for employees and officers of Jefferson County, Alabama, as said Section 8 has been heretofore amended, is further amended to provide as follows:

“Section 8. Investment of Funds: The funds of the system not currently needed shall be invested in bonds, notes, warrants, and other evidences of indebtedness which are direct obligations of the United States of America or in securities issued by agencies of the government of the United States of America, or in general obligation bonds of the State of Alabama, or any county or incorporated city or town of the State of Alabama, or in the shares or certificates or savings accounts of savings and loan associations, which associations qualify for insurance by and are insured in the Federal Savings & Loan Insurance Corporation, or in bonds or debentures, preferred stocks or common stocks of corporations organized under the laws of the United States or any state thereof, or in certificates of deposits or bonds of banks organized under Federal laws or under the laws of the State of Alabama; provided however, that not more than the maximum amount

insured by the Federal Savings and Loan Insurance Corporation shall be invested in any one savings and loan association; and provided further that no funds shall be invested in bonds of corporations unless the issue of such bonds is rated 'A' or better by Moody's Investors Service, Inc. or some other Nationally recognized bond rating service. Provided, further, that the Pension Board shall adopt rules and regulations prescribing what percentages of the total assets of the system may be invested in preferred stocks and what percentage of the total assets of the system may be invested in common stocks.

The word 'assets' when used in this section shall mean the assets of the system as shown by the auditor's report which was published with the Pension Board's latest annual report.

"The Pension Board shall have the power to authorize, by written resolution, adopted by the said Board at a regular or special meeting of the Board, a trustee, agent, or fiscal officer of the said Board, to invest funds of the pension system for the said Pension Board, in the manner provided for in said resolution and subject to such limitation as to the amount of such investments, and subject to such other limitation as is specified in said resolution. The authority the Pension Board confers on any trustee, agent or fiscal officer of the Board under this Act shall be subject to all limitations applying to the Board's power to invest assets of the system."

**Section 2.** This Act shall become effective upon its approval by the Governor or upon its otherwise becoming a law.

Approved July 8, 1982

Time: 3:00 P.M.

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Act No. 82-707

S. 11—Mr. Kirkland

### AN ACT

Relating to Escambia County, to provide for an advisory referendum on the question of the method of electing members of the county commission.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The county commission of Escambia County shall order and provide for an advisory referendum at the next general election. On the ballot to be used at the election, the question shall be stated substantially as follows:

1. Are you in favor of the election of members of the Escambia County Commission from geographical districts? Yes (    ) No (    ).

The results of the election shall be certified by the probate judge to the secretary of state, who shall make a permanent record thereof.

**Section 2.** The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 3.** All laws or parts of laws which conflict with this act are hereby repealed.

**Section 4.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 8, 1982

Time: 3:00 P.M.

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Act No. 82-708

S. 24—Mr. Gullledge

### AN ACT

To amend Section 32-3-1, Code of Alabama 1975, which provides for membership on the State Safety Coordinating Committee so as to increase said membership.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 32-3-1, Code of Alabama 1975, is hereby amended to read as follows:

“§ 32-3-1. There is hereby established a committee to be designated the state safety coordinating committee which shall be composed of the governor as Chairman thereof, the director of public safety, the director of the state highway department, two members of the senate appointed by the president of the senate, two members of the house appointed by the speaker, the attorney general, the administrator of the state alcoholic beverage control board, the state toxicologist and the chief justice of the Alabama supreme court and a person appointed by the Governor for a term of 4 years from the state at large. The same per diem allowance and travel expenses paid state employees will be paid to the Governor's appointee. Thereafter, he shall serve four-year terms. The ex-officio members shall serve until the expiration of the terms for which they have been elected. The appointive members shall serve for the terms for which they have been appointed.”

**Section 2.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 8, 1982

Time: 3:00 P.M.

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Act No. 82-709

S.J.R. 3—Mr. Mitchem

SENATE JOINT RESOLUTION

DESIGNATING JULY 4, 1982, AS "BILL MONROE DAY" IN ALABAMA.

WHEREAS, county music and Grand Ole Opry star, Bill Monroe of the famous "Bill Monroe and the Bluegrass Boys," will be in Alabama for the big Stars and Stripes Bluegrass Festival July 2-5, 1982; and

WHEREAS, a virtuoso of the mandolin, Bill Monroe is known for such hit recordings as "Blue Moon Over Kentucky" and "Orange Blossom Special" among many, many others; and

WHEREAS, Bill Monroe is also known as the father of bluegrass, a form of music which originated in the United States and is the true American form of folk music combining mandolin, guitar, bass fiddle and fiddle and using no electrical amplification; and

WHEREAS, during Alabama's 4-day bluegrass festival, Mr. Monroe will perform two live shows on stage at Cathedral Caverns Bluegrass Park and will be recorded live by MCA Records; a number of bands from throughout the Southeast also will be performing during the festival; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in tribute to one of our nation's most outstanding bluegrass performers and in appreciation for his appearance at Alabama's Stars and Stripes Bluegrass Festival, we hereby designate July 4, 1982, as "Bill Monroe Day" in Alabama and direct that Mr. Monroe receive a copy of this resolution in token of our utmost praise and regard.

Approved July 8, 1982

Time: 3:00 P.M.

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Act No. 82-710

S.J.R. 12—Messrs. White, Vacca, Parsons,  
Cook and Hall

## SENATE JOINT RESOLUTION

WELCOMING THE "BIRMINGHAM STALLIONS" AS ONE OF TWELVE FRANCHISE TEAMS OF THE NEW UNITED STATES FOOTBALL LEAGUE.

WHEREAS, it is with great pride that the Legislature of Alabama notes the Birmingham franchise as one of 12 initial teams in the new professional United States Football League; and

WHEREAS, the owner of the Birmingham franchise is Mr. Marvin L. Warner, a Birmingham native and a graduate of the University of Alabama and the University's School of Law; he is a resident of Cincinnati, former United States' Ambassador to Switzerland and is Chairman and Chief Executive Officer of Combanks Corporation of Orlando and of Great American Banks, Incorporated, of Miami and Tampa, Florida; and

WHEREAS, the new U. S. Football Team, the Birmingham Stallions with colors of red, white and gold, is Ambassador Warner's commitment "to bring championship professional football to the Football Capital of the South" and to Legion Field which will seat more than 78,000 new fans of Birmingham's new team; and

WHEREAS, it is further to be noted that through agreement with ABC, the USFL is the first new sports league in history to receive a network television contract for its inaugural season; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily welcome Ambassador Marvin L. Warner and the Birmingham Stallions to the State of Alabama and direct that he receive a copy of this resolution in token of our warm praise, appreciation and utmost regard.

Approved July 8, 1982

Time: 3:00 P.M.

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Act No. 82-711

S.J.R. 13—Mr. St. John

## SENATE JOINT RESOLUTION

HONORING WALTER R. BYARS OF MONTGOMERY FOR BEING ELECTED PRESIDENT OF THE INTERNATIONAL SOCIETY OF BARRISTERS.

WHEREAS, the Honorable Walter R. Byars, Attorney at Law of Montgomery, Alabama, has been elected President of the International Society of Barristers; and

WHEREAS, this organization is an international organization consisting of outstanding and noted trial attorneys from throughout the world; and

WHEREAS, Mr. Byars is a partner in the law firm of Steiner, Crum & Baker, Montgomery, Alabama, a firm of distinguished lawyers, and has had many honors bestowed upon him by his brother lawyers; and

WHEREAS, he is Past President of the Montgomery County Bar Association; Past President of the Pike County Bar Association; Past Chairman of the Young Lawyers Section of the Alabama State Bar; former member of the Executive Council of the Younger Lawyers Section of the American Bar Association; former chairman of the Section on Corporation, Partnership and Business Law of the Alabama State Bar; former chairman of the Southeastern Corporate Law Institute; a fellow of the International Society of Barristers; a member of the Alabama Law Institute; and a member of the Montgomery County and American Bar Associations and the Alabama State Bar; and

WHEREAS, Walter R. Byars is much respected and beloved by his fellow lawyers and his many friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That they do congratulate Walter R. Byars of Montgomery upon his elevation to the presidency of the International Society of Barristers and to commend him for the many honors that have been bestowed upon him and heartily thank him on behalf of the people of Alabama for the many services he has rendered to his profession, his area and State and the honor he has brought to the State of Alabama and its Bar Associations by virtue of his election to this high office.

The Secretary of the Senate is hereby instructed to transmit a copy of this resolution to the Honorable Walter R. Byars.

Approved July 8, 1982

Time: 3:00 P.M.

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Act No. 82-712

S.J.R. 14—Mr. Lemaster

#### SENATE JOINT RESOLUTION

CONGRATULATING MARY JAMIE HENDRIX OF RAINSVILLE, ALABAMA, FIRST RUNNER-UP IN THE 1982 AMERICA'S JUNIOR MISS PAGEANT.

WHEREAS, Miss Mary Jamie Hendrix has been extremely active and has excelled in many areas of academic and civic activities; and

WHEREAS, Miss Mary Jamie Hendrix is a 1982 graduate of Plainview High School in Rainsville, Alabama, where she was an outstanding student, a member of the Beta Club, a member of the Thespian Club, and a cheerleader; and

WHEREAS, Miss Hendrix is a very active member in her church, a member of the choir, and has done volunteer work with the elderly of the area; and

WHEREAS, Miss Mary Jamie Hendrix represented Rainsville, Alabama, in the 1982 Junior Miss competition in Mobile, Alabama; and

WHEREAS, Miss Mary Jamie Hendrix won two preliminary categories in physical fitness and poise and appearance in this competition; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend congratulations and best wishes to Miss Mary Jamie Hendrix on being named first runner-up in the 1982 America's Junior Miss Pageant.

BE IT FURTHER RESOLVED, that the Secretary of the Senate transmit a copy of this Resolution to Miss Mary Jamie Hendrix, and a copy to her parents, Mr. and Mrs. J. L. Hendrix, of Rainsville, Alabama.

Approved July 8, 1982

Time: 3:00 P.M.

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Act No. 82-713

S.J.R. 17—Mr. Lemaster

### SENATE JOINT RESOLUTION

COMMENDING NORM AND JERRY BRUNTON OF SCOTTSBORO, ALABAMA, FOR THEIR EFFORTS IN CREATING "BRUNTON'S BED AND BREAKFAST" AGENCY.

WHEREAS, Brunton's Bread and Breakfast Agency is the first such agency established in the State of Alabama; and

WHEREAS, Brunton's Bread and Breakfast Agency, during the past twelve months, has spread throughout the Southeast, including the states of Alabama, Tennessee, Virginia and Georgia; and



WHEREAS, Brunton's Bread and Breakfast Agency has been publicized in newspapers and magazines throughout the nation and the world, and has received coverage in the LADIES HOME JOURNAL, PM MAGAZINE, the NEW YORK TIMES and THE LONDON TELEGRAPH; and

WHEREAS, The Brunton's Bread and Breakfast Agency is a member of the National Association of Bread and Breakfast Agencies, Alabama Mountain Lakes Association, Alabama Tourist Council, Chattanooga Visitors and Convention Bureau, the Upper East Tennessee Tourist Council, the Northwest Georgia Tourist Association, and the Chattanooga Hotel and Motel Association; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we highly commend Norm and Jerry Brunton, for their efforts in promoting tourism in Alabama, and for their efforts in placing hundreds of people during the World's Fair at Knoxville, and for bringing hundreds of people to the State of Alabama.

BE IT FURTHER RESOLVED that the Secretary of the Senate transmit a copy of this Resolution to Norm and Jerry Brunton of Scottsboro, Alabama.

Approved July 8, 1982

Time: 3:00 P.M.

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Act No. 82-714

H.J.R. 11—Rep. Sasser

### HOUSE JOINT RESOLUTION

NAMING THE AIRCRAFT ENGINE POWER PLANT BUILDING AT ALABAMA AVIATION TECHNICAL COLLEGE IN OZARK, ALABAMA, "THE RUFUS BARNETT BUILDING."

WHEREAS, Mr. Rufus Barnett of Ozark is a native of Matthews in Montgomery County, Alabama; he attended the public schools at Pike Road, graduating from Pickens County High School at Reform, Alabama; and

WHEREAS, a veteran of both World War II and the Korean Conflict, he also is a graduate of Auburn University, a former Soil Conservationist and businessman; and

WHEREAS, Mr. Barnett was elected to the State Senate for the 1959-1963 term and it was during his legislative tenure that the origi-

nal appropriation for the Alabama Aviation Technical College in Ozark was acquired, and through his further instrumental efforts that said college was established; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in gratitude and in tribute to his accomplishments, we hereby name and designate the aircraft engine power plant building at Alabama Aviation Technical College in Ozark, Alabama, "The Rufus Barnett Building."

BE IT FURTHER RESOLVED, That the proper authorities are hereby directed to erect and maintain appropriate signs and markers so designating said building as "The Rufus Barnett Building."

RESOLVED FURTHER, That a copy of this resolution be sent to Mr. Barnett in token of our warm praise and regard and as a memento of this honorary designation.

Approved July 8, 1982

Time: 3:00 P.M.

Act No. 82-715

H.J.R. 27—Reps. Turner, Clark (W)

### HOUSE JOINT RESOLUTION

NAMING THE NEW MOUNT VERNON ELEMENTARY SCHOOL, THE "GARTMAN AND HILL ELEMENTARY SCHOOL."

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of the contributions of Mr. John Allen Gartman and Mr. James Hill, we hereby name and designate the new Mount Vernon Elementary School as the "Gartman and Hill Elementary School."

BE IT FURTHER RESOLVED, That the proper authorities are directed to erect and maintain appropriate signs and markers so designating said school as the "Gartman and Hill Elementary School."

RESOLVED FURTHER, That Mr. Gartman and Mr. Hill receive copies of this resolution as a memento of this honorary designation and in appreciation for their instrumental efforts in the establishment of said school.

Approved July 8, 1982

Time: 3:00 P.M.

Act No. 82-716

H.J.R. 46—Rep. Cosby

## HOUSE JOINT RESOLUTION

## COMMENDING ALABAMA CONGRESSIONAL DELEGATION

WHEREAS, the Alabama Legislature and the citizens of the State of Alabama have been closely following the actions of the United States Congress in their effort to adopt a responsible fiscal year 1983 budget resolution; and

WHEREAS, the 1983 compromise budget resolution attempts to hold the fiscal year 1983 deficit below \$104 billion dollars; and

WHEREAS, we believe that America's economy will not improve until the United States Congress takes the appropriate steps to cut federal spending; and

WHEREAS, we further believe that interest rates will not fall significantly until the United States Government curtails its practice of excessive borrowing from America's financial institutions; and

WHEREAS, the housing industry and various other interest sensitive industries in America have been virtually brought to a standstill over the past 40 months due to record high interest rates and inflation which we believe is caused by excessive federal spending and government borrowing; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That they do hereby commend Alabama's Congressional Delegation for their votes in favor of the compromise 1983 budget resolution and that we do hereby urge them to continue their efforts to cut federal spending and thereby limit the amount of government borrowing.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to all members of the Alabama Congressional Delegation.

Approved July 8, 1982

Time: 3:00 P.M.

Act No. 82-717

H.J.R. 47—Reps. McMillan, Penry

## HOUSE JOINT RESOLUTION

COMMENDING THE REVEREND DANIEL KEENER CHRISTENBERRY, RECIPIENT OF THE OUTSTANDING

TEACHER OF THE YEAR AWARD OF PHI THETA KAPPA  
HONORARY.

WHEREAS, the Reverend Daniel Keener Christenberry recently received the Outstanding Teacher of the Year Award of Phi Theta Kappa honorary fraternity at this year's annual Honors Day program at Faulkner State Junior College in Bay Minette; and

WHEREAS, the Reverend Christenberry's love of young people promoted his decision to join the faculty of Faulkner State, where he has taught and counseled students over the past eleven years; and

WHEREAS, in addition to his teaching activities, the Reverend Christenberry serves as minister of both the Perdido and Lottie United Methodist Churches; and

WHEREAS, the Reverend Christenberry is involved also with numerous civic organizations, including Kiwanis, Lions and Rotary; and

WHEREAS, the student body and faculty of Faulkner State greatly admire and respect, as well as appreciate the presence of, the Reverend Christenberry who is affectionately known as "Chris" or "Mr. Chris" on the campus of FSJC; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most sincerely commend the Reverend Christenberry as the recipient of the Outstanding Teacher of the Year Award; we further express our deep appreciation for his generous contributions to Faulkner State Junior College and to the entire Bay Minette area.

RESOLVED FURTHER, That a copy of this resolution be sent to the Reverend Christenberry in token of our sincere praise and regard.

Approved July 8, 1982

Time: 3:00 P.M.

Act No. 82-718

H.J.R. 62—Rep. Manley

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HOUSE JOINT RESOLUTION

CONGRATULATING AND COMMENDING THE  
MARENGO ACADEMY LADY LONGHORNS, STATE SOFT-  
BALL CHAMPIONS FOR 1982

WHEREAS, with utmost commendation, the Alabama Legislature extends heartiest congratulations to the undefeated Marengo

Academy Lady Longhorns, State Softball Champions for 1982 and for their third consecutive undefeated season; and

WHEREAS, the Lady Longhorns claimed their third-in-a-row Alabama Private School Title with a whopping 12-1 defeat of Montgomery's Central Alabama Academy, following 1-0 and 2-1 wins, respectively, over Thomasville Academy and West End of Tuscaloosa; and

WHEREAS, it is further to be noted that the Longhorns' title victory was their 66th straight win without a loss, truly an outstanding accomplishment for the ladies from Marengo Academy and their talented coach, Jimmy Crawford; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby congratulate and most highly commend the Marengo Academy Lady Longhorns as Alabama Private School Softball Champions for the past three years and for their phenomenal 66-game winning streak.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Marengo Academy, with a copy also sent to Coach Jimmy Crawford in recognition of his outstanding leadership and coaching abilities.

Approved July 8, 1982

Time: 3:00 P.M.

Act No. 82-719

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H.J.R. 64—Reps. Turnham, Adams (C),  
 Adams (H), Albright, Amari,  
 Barton, Bedsole, Bennett, Biddle,  
 Blake, Boles, Bowling, Brakefield,  
 Buskey, Cabaniss, Campbell,  
 Carothers, Carter, Cates,  
 Cheatwood, Clark (G), Clark (W),  
 Cobb, Coburn, Cooley, Cosby,  
 Crow, Daniels, Dial, Dixon,  
 Drinkard, Edwards, Escott, Ford,  
 Gafford, Gilmer, Goodwin, Gregg,  
 Grimsley, Grouby, Hall,  
 Hammett, Harper (O), Harper (T),  
 Harrison, Harvey, Higginbotham,  
 Hines, Holley, Holmes, Horn,  
 Howard, Jackson, Johnson (R. G.),

Johnson (Roy), Kelley, Kennedy,  
 Laird, Langford, Letson, Lewis,  
 McCorquodale, McKee,  
 McMillan, Manley, Minus,  
 Mitchell, Moore, Naramore,  
 Nevett, Olive, Owens, Parker,  
 Patton, Payne, Pegues, Penry,  
 Rains, Ray, Reed, Riddick,  
 Roberts, Sandusky, Sasser,  
 Seibels, Shavers, Shoemaker,  
 Smith (C), Smith (J), Smith (M),  
 Starkey, Stewart, Stout,  
 Trammell, Tucker, Turner,  
 Venable, Waggoner, Ward,  
 Warren, Whatley, Williams,  
 Willis, Wyatt, Zoghby

#### HOUSE JOINT RESOLUTION

COMMENDING MRS. KATE HARRIS OF THE BIRMINGHAM NEWS AND A MEMBER OF THE CAPITOL PRESS CORPS.

WHEREAS, Mrs. Kate Harris who has been associated with the Birmingham News and in assignment to the Capitol Press Corps for the past 17 years, is a distinguished journalist whose factual and impartial coverage of events on Capitol Hill has earned her the respect of her peers and the regard of those of us in the Legislature; and

WHEREAS, educated in the public schools of Montgomery, Mrs. Harris is a graduate of Huntington College where she earned her A.B. Degree with a major in English; and

WHEREAS, prior to joining the Birmingham News, she had worked in public relations with Huntington College and the Alabama State Chamber of Commerce, and for several other newspapers including the Montgomery Advertiser-Journal; and

WHEREAS, Mrs. Harris is the recipient of a number of awards including recognition for her support of public education as well as the News' Big N Silver Award in 1968 for her coverage of the tragic Dale's Penthouse fire in Montgomery; and

WHEREAS, Mrs. Harris' career as a reporter has been one of exceptional accomplishment and her announced retirement is met with regret by those of us privileged to have been associated with her through the years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend our good friend, Mrs. Kate Harris, on her outstanding journalistic career; we sincerely wish her every happiness in retirement to her home and farm in Marbury and direct that she receive a copy of this resolution in token of our sincere affection and utmost regard.

Approved July 8, 1982

Time: 3:00 P.M.

Act No. 82-720

H.J.R. 65—Rep. Dial

### HOUSE JOINT RESOLUTION

COMMENDING THE 127TH MEDICAL GROUP HEAD-QUARTERS, ALABAMA ARMY NATIONAL GUARD, ASHLAND, ALABAMA.

WHEREAS, the Alabama Legislature notes with utmost commendation, the outstanding accomplishments of the 127th Medical Group Headquarters of the Alabama Army National Guard, Ashland, Alabama; and

WHEREAS, on six occasions since 1963, the year of its organization, the 127th Guard Group has been awarded the prestigious Eisenhower Trophy for excellence, an accomplishment unequalled by any other unit in the Alabama National Guard; and

WHEREAS, the Eisenhower Trophy, named in honor of General of the Army Dwight D. Eisenhower, was originated in 1948 and is presented annually by the National Guard Bureau to the unit in the State of Alabama which has attained the highest degree of proficiency for the calendar year; and

WHEREAS, the unit recipient is selected from among eligible units by a committee of regular Army personnel on the basis of effectiveness in areas of unit strength, training programs, ARTEPS and esprit de corps; and

WHEREAS, through repeated selection for this outstanding award, the personnel of the 127th Group has consistently demonstrated their dedication, hard work and proficiency as an exemplary National Guard Unit; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend and congratulate the 127th Medical Group Headquarters, Ala-

bama Army National Guard, Ashland, Alabama, for outstanding accomplishment, and direct that a copy of this resolution be forwarded to said unit in declaration of our sincere praise and in tribute to the unit's excellence of operation and proficiency.

Approved July 8, 1982

Time: 3:00 P.M.

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Act No. 82-721

H.J.R. 66—Reps. Owens, Mitchell,  
Johnson (Roy)

### HOUSE JOINT RESOLUTION

**MOURNING THE DEATH OF MR. LOUIS DANIEL CHAPMAN, PROMINENT COTTONDALE BUSINESSMAN AND CIVIC LEADER.**

WHEREAS, the Alabama Legislature has grievously noted the death of Mr. Louis Daniel Chapman of Cottondale, Tuscaloosa County, Alabama, on June 25, 1982, at the age of 82 years; and

WHEREAS, a native and lifelong resident of Cottondale, Mr. Chapman was a prominent area businessman who had continued his family's involvement in the grocery business which began in 1884; and

WHEREAS, a former employee of Swift and Company, Mr. Chapman joined the family business in 1922 following his father's death and remained active in management for some 47 years; and

WHEREAS, Mr. Chapman, a Methodist, had the distinction of being the oldest member of the Methodist Church of Cottondale; he also was a Mason and had served in civic responsibilities as a member of the Advisory Committee of the Tuscaloosa Parks and Recreation Board, as a longtime member of the Tuscaloosa County Selective Service Board, as a member of the Tuscaloosa County Democratic Executive Committee for many years and in various capacities of leadership in other areas as well; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we grievously mourn the death of Mr. Louis Daniel Chapman of Cottondale, Alabama, and extend our most heartfelt sympathy to his wife, Mrs. Trannie Martin Chapman; to his daughters, Mrs. Carolie Wheat, Mrs. Laynett Weaver and Mrs. Helen Cates; and to his son, Mr. Harold Chapman, to whom copies of this resolution shall be sent in declaration of our deeply shared sorrow in their great loss.



Approved July 8, 1982

Time: 3:00 P.M.

Act No. 82-722

H.J.R. 67—Rep. Albright

# HOUSE JOINT RESOLUTION

NAMING THE NEW ANNEX BUILDING TO THE CARVER COMPLEX SOUTH AT ALABAMA AGRICULTURAL AND MECHANICAL UNIVERSITY AS THE "WINFRED THOMAS AGRICULTURAL RESEARCH ANNEX."

WHEREAS, Winfred Thomas is an outstanding Alabamian who has devoted his life to agricultural teaching, research and administration; and

WHEREAS, he has significantly contributed to the growth of the agriculture program in terms of new academic curricula, research and teaching facilities and has devoted his best energies to the state's 1890 Land-Grant University - Alabama A&M University; and

WHEREAS, Winfred Thomas has served as the Dean of the School of Agriculture Environmental Science and Home Economics for sixteen years (1966-1982) and the administrative and professional agricultural organizations in the United States; and

WHEREAS, his loyalty, dependability, efficiency, integrity and devotion have provided an example that has contributed immeasurably to the welfare of his school; and

WHEREAS, the Legislature of Alabama desires to give special recognition to someone who has meant so much to his community, his friends and associates, and his school; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby designate and name the new Annex Building to the Carver Complex South at Alabama Agricultural and Mechanical University as the "Winfred Thomas Agricultural Research Annex" as a fitting tribute to the distinguished career of this outstanding educator, and further direct that such name be appropriately inscribed on or affixed to the building in such a manner as the President of the University may direct.

BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to the said Winfred Thomas in declaration of regard and as a memento of this honorary designation.

Approved July 8, 1982

Time: 3:00 P.M.

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Act No. 82-723

H.J.R. 68—Reps. Zoghby, Ward

HOUSE JOINT RESOLUTION

RELATING TO LEGISLATIVE MEMBERS OF THE NATIONAL ORDER OF WOMEN LEGISLATORS AND MEETING EXPENSES.

WHEREAS, The National Order of Women Legislators is a non-partisan organization devoted to government and politics and meets, from time to time, for workshops and exchange of ideas and information on legislation introduced in the various legislative bodies in the country; and

WHEREAS, the attendance of eligible members of the Alabama Legislature at the meetings of the National Order of Women Legislators is beneficial to all members of the Alabama Legislature; now therefore,

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That any active member of the Alabama Legislature, who is an eligible member of the National Order of Women Legislators, shall be entitled to per diem and reimbursement of all reasonable and necessary expenses and travel, within or without the State of Alabama, incurred in the performance of their duties. All such compensation and expenses authorized by the provisions of this resolution shall be paid from funds appropriated to the use of the legislature.

Approved July 8, 1982

Time: 3:00 P.M.

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Act No. 82-724

H.J.R. 69—Rep. Kennedy

HOUSE JOINT RESOLUTION

HONORING BISHOP ELISHA P. MURCHISON FOR EXEMPLARY PERFORMANCE IN SERVICE TO OUR LORD.

WHEREAS, Bishop Elisha P. Murchison served with devotion, and in total commitment, in the ministry of the Christian Methodist Episcopal Church for many, many years—as local pastor, as Editor

of The Christian Index, the official organ of the Church, and as Active Bishop for 24 years, closing his dedicated tenure as Senior Bishop and Presiding Bishop of the Third Episcopal District; and

WHEREAS, in his ministry to the Church, Bishop Murchison truly served in sacrifice, as well as in joy, to ultimately reveal a record that is distinguished in accomplishment and in contributions to the Church; and

WHEREAS, Bishop Murchison's first assignment upon election to the Episcopacy was as a Missionary Bishop to organize the C.M.E. Church in Africa, and later the C.M.E. Church in Nigeria which now numbers more than 76,000 in membership; and

WHEREAS, a native of Texas and a son of the parsonage, Bishop Murchison's 24 years of active service in the Episcopacy include Bishoprics in three Episcopal Districts; he served for three quadrenniums as Presiding Bishop of the Fifth Episcopal District, headquartered in Birmingham, for two quadrenniums in assignment to the Second Episcopal District and his sixth quadrennium in the district from which he was elected to the Episcopacy, the Third Episcopal District comprised of nine midwestern states within three conferences; and

WHEREAS, further, during his career Bishop Murchison has impressively numbered among his achievements and evangelizations the establishment of numerous new Churches, the construction of a number of new Church edifices, and the remodeling and renovation of many existing facilities; he also has consistently dedicated himself to both encouraging and assisting young ministers in their pursuit of seminary training, and has been directly responsible for innumerable innovations in the administrative as well as policy-making affairs of his denomination; and

WHEREAS, much of his ministry also has been devoted to ecumenical movements, and he has served as well in an inordinate number of leadership positions in both "inter" and "intra" Church enterprises; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most warmly praise and highly commend Bishop Elisha P. Murchison, a devoted servant of God, and direct that he and his lovely wife, Mrs. Imogene Murchison, and their two devoted daughters, be presented a copy of this resolution in declaration of our sincere regard and utmost esteem.

Approved July 8, 1982

Time: 3:00 P.M.

Act No. 82-725

S. 3—Mr. St. John

## AN ACT

To make a supplemental appropriation from the general fund of the state treasury, for the fiscal year ending September 30, 1982, to the Alabama Senate for its costs relative to the joint reapportionment committee and in payment of that certain court judgment rendered in the case of *Beasley v. Gunter*, et al., and costs relative thereto.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** There is hereby appropriated from the general fund of the state treasury, for the fiscal year ending September 30, 1982, to the Alabama Senate, a sum sufficient for its costs relative to the business of the joint reapportionment committee and in payment of that certain court judgment rendered in *Gunter, et al. v. Beasley*, S. Ct. Case No. 80-185 (April, 1982) and costs relative thereto. The appropriation herein made shall be in addition to any and all other funds heretofore or hereafter appropriated to the Alabama Senate or to the Alabama Legislature.

**Section 2.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 8, 1982

Time: 3:00 P.M.

Act No. 82-726

S. 7—Messrs. Goodwin, Robertson,  
McDonald, Parsons, Martin,  
Harrison, Denton, Kirkland,  
White and Teague (B)

## AN ACT

To make a supplemental appropriation to the Department of Education, Crippled Children Services Program, from the Alabama Special Education Trust Fund, for the fiscal year ending September 30, 1983.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** (a) There is hereby appropriated from the Alabama Special Education Trust Fund, for the fiscal year ending September 30, 1983, the sum of \$200,000. to the Department of Education for the purpose of the Crippled Children Services Program.

(b) The appropriation made herein shall be in addition to any and all other funds heretofore or hereafter appropriated to the De-

partment of Education for the purpose of the Crippled Children Services Program for the fiscal year ending September 30, 1983.

**Section 2.** This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved July 8, 1982

Time: 3:00 P.M.

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Act No. 82-727

S. 12—Mr. Bailey

### AN ACT

Relating to Houston County; to levy a one cent per gallon tax on the sale or delivery of gasoline or gasohol in the county; to authorize the license commissioner of the county to administer the act and promulgate necessary rules and regulations therefor; to provide for the distribution and use of the tax proceeds among the municipalities and the county; to provide for interest charges, late charges and fines for violations of the act and for the use of such charges and fines; to require licensing, bonding, record keeping and audits of distributors and others to which the tax applies; and to specifically repeal Act No. 193, S. 103, 1936 Special Session (Acts 1936, p. 97), and all rules or regulations promulgated pursuant thereto.

#### *Be It Enacted by the Legislature of Alabama:*

**Section 1.** There is hereby levied in Houston County, Alabama, for the purpose of constructing and maintaining public roads, streets, bridges and ferries, a privilege tax of not more than one cent per gallon on all gasoline or gasohol which is sold or delivered in said county, for the privilege of selling or delivering same. For purposes of this Act, the tax herein applies only to gasoline and gasohol; any other motor vehicle fuel or oil or gas is expressly exempt from the application of this Act.

**Section 2.** The license commissioner of Houston County is hereby authorized to administer the provisions of this Act and to provide such rules, regulations and means as are required for the collection of such privilege tax, and for the collection of such late charges, interest or fines as are hereinafter provided in this Act.

**Section 3.** All of the net proceeds of said privilege tax collected within the corporate limits of any incorporated city or town in Houston County, Alabama, shall be paid over to such incorporated city or town each month as collected and may be expended as may be directed by the constituted authorities of such incorporated city or municipality.

**Section 4.** After the passage and approval of this Act, no incorporated city or town in said Houston County, Alabama, shall levy or collect a privilege license or excise tax on any liquid motor fuel upon the business of selling, delivering, withdrawing from storage, or keeping in storage such fuels, on a quantity basis; provided, however, this shall not apply to the ordinary license to do business in the municipalities. All municipal privilege, excise and/or license taxes on gasoline or gasohol now being levied or collected by any incorporated city or town in said county are hereby expressly repealed.

**Section 5.** All taxes levied under this Act and the money derived therefrom shall be used exclusively for the purpose of constructing and maintaining public roads, streets, bridges and ferries in said county of Houston, except for the municipalities' share, which may be expended as provided in Section 3.

**Section 5.** (a) All distributors or individuals who are subject to the tax herein levied shall acquire a license therefor issued from the county, in an amount not to exceed \$50.00 per year.

(b) Each distributor, individual or other person or party who is subject to the tax herein levied shall also be required to post a surety bond in a minimum amount of \$10,000 with the county license commissioner, prior to obtaining a license.

(c) Any service station owner or operator in Houston County who directly or indirectly purchases gasoline or gasohol from a non-licensed distributor or individual shall be deemed a distributor, for purposes of this Act, and shall comply with all requirements of this Act.

(d) The license commissioner is authorized to perform audits, or to have audits performed, on any individual, distributor or association which, in the commissioner's opinion, has failed to pay the tax, license fee, or other charge required of such person or association by this Act. It is further provided that out of county audits shall be paid by the party being audited.

(e) Each distributor, individual or association to which the tax herein levied applies shall keep complete and adequate records of tax receipts.

**Section 6.** The following sanctions shall be imposed for the following violations of this Act:

(a) Any distributor, person or association required to pay the tax levied by this Act which fails to pay said tax, or which is delinquent in paying said tax, shall pay interest of 12% per annum thereon from the due date to the time such tax is actually paid, as well as

a 20% late charge on the amount of taxes and interest which are overdue and unpaid.

(b) Any distributor, individual or association which fails to keep adequate records of the tax receipts, or which fails to produce such records to the license commissioner when requested to do so shall pay a fine of \$5,000.00 for each such violation. In addition, the license commissioner may revoke the license for such violations.

(c) Any distributor, individual or association who deliberately falsifies reporting required by the license commissioner shall pay a fine of \$5,000.00 and shall automatically have his license revoked.

(d) Any user or consumer who intentionally makes false statements to the license commissioner shall pay a fine of \$5,000.00.

All fines, interest, or late charges collected pursuant to this section shall be paid into the same fund as the tax collections are deposited, and shall be used for the same purposes as the tax proceeds are used.

**Section 7.** The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 8.** All laws or parts of laws in conflict herewith are hereby repealed, and Act No. 193, S. 103, 1936 Special Session (Acts 1936, p. 97), authorizing the Board of Revenue of Houston County to levy and collect a motor fuel tax, and all rules and regulations promulgated pursuant to said Act, are hereby expressly repealed.

**Section 9.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 8, 1982

Time: 3:00 P.M.

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Act No. 82-728

S.J.R. 11—Mr. Kirkland

### SENATE JOINT RESOLUTION

ENCOURAGING THE ALABAMA CONGRESSIONAL DELEGATION AND THE ENTIRE CONGRESS TO SUPPORT H.R. 5868 AND S. 2376.

WHEREAS, H.R. 5868 and S. 2376, introduced respectively in the United States House of Representatives and the U. S. Senate, are companion bills designed to initiate the most significant change in

our Federal Tax System since the first Income Tax Law was adopted almost seven decades ago; and

WHEREAS, the aforementioned bills call upon the Treasury Department to conduct a study detailing the economic and administrative consequences of adopting a flat rate Gross Income Tax System; and

WHEREAS, preliminary studies by a prominent Washington economist indicate that the GIT rates would not exceed 7-1/2% for any class of taxpayers, a far cry from the tremendous burden now heaped upon the shoulders of the American taxpayer; and

WHEREAS, this legislation also would serve to drastically reduce or eliminate the complicated tax paperwork now required of individuals, business and government as well; and

WHEREAS, following completion of the Treasury Department's study, a comprehensive bill to change from our present net income tax system to the new GIT system would be introduced in the 98th Congress (1982-83) to provide for a fair and simple income tax system for all Americans; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we strongly urge the Alabama Congressional Delegation and the entire Congress to support legislation of the Gross Income Tax System and direct that copies of this resolution be dispatched to each member of the Alabama Delegation, and to the presiding officers of each House of Congress, with a further request that this resolution be placed in the Congressional Record evidencing Alabama's support of a fair and equitable system of taxation.

Approved July 8, 1982

Time: 3:00 P.M.

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Act No. 82-729

S.J.R. 31—Mr. Weeks

### SENATE JOINT RESOLUTION

NAMING SB 23 THE "BOBBY DENTON TEXTBOOK BILL."

WHEREAS, Senator Bobby Denton of Tusculumbia, Alabama, was instrumental in the support and passage of Senate Bill 23 which provides for increasing the membership of the State school textbooks committee; now therefore,



BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Senate Bill 23 of the Second Special Session of 1982 be named the "Bobby Denton Textbook Bill."

Approved July 8, 1982

Time: 3:00 P.M.

Act No. 82-730

S.J.R. 33—Mr. Bailey

### SENATE JOINT RESOLUTION

COMMENDING AND CONGRATULATING REGINALD HAWK AND RAMONA FLOWERS, AS 1982 KING AND QUEEN OF THE HAWK-HOUSTON BOYS CLUB OF DOTHAN, ALABAMA.

WHEREAS, the Alabama Legislature extends warm congratulations to the 1982 King and Queen of the Hawk-Houston Boys Club of Dothan, Alabama; and

WHEREAS, young King Reginald Hawk the son of Mrs. Chrisiana Hawk and the late William W. Hawk, and Queen Ramona Flowers, daughter of Mr. and Mrs. James Vickers, were selected on the basis of having raised the most funds, a total of \$351.68, for the benefit of the Boys Club; and

WHEREAS, these two outstanding young citizens are indeed to be commended for their community spirit and for their willingness to contribute to a better quality of life for the youth of their hometown of Dothan; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we both congratulate and commend young Reginald Hawk and Ramona Flowers of Dothan, Alabama, 1982 King and Queen of the Hawk-Houston Boys Club.

BE IT FURTHER RESOLVED, That King Reginald and Queen Ramona each receive a copy of this resolution in declaration of our warm personal regard and of best wishes for every future success.

Approved July 8, 1982

Time: 3:00 P.M.

Act No. 82-731

S.J.R. 38—Messrs. Weeks and Teague (J)

## SENATE JOINT RESOLUTION

RECOGNIZING WITH COMMENDATION THE ESTABLISHMENT OF THE ALABAMA EDUCATIONAL LEADERSHIP HALL OF FAME AT TROY STATE UNIVERSITY.

WHEREAS, there is a need to honor educational leaders in the public school systems of Alabama; and

WHEREAS, the President and the Board of Trustees of Troy State University have approved the establishment of an Educational Leadership Hall of Fame at Troy State University; and

WHEREAS, the Alabama Association of School Boards and the Alabama Council of School Administrators and Supervisors are cooperating in the establishment of such a Hall of Fame; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby recognize and commend the establishment of the Alabama Educational Leadership Hall of Fame on the Troy State University campus to honor elementary school administrators, middle school administrators, high school administrators, central office administrators, and school board members.

BE IT FURTHER RESOLVED, That copies of this resolution be provided for Dr. Ralph W. Adams, President of Troy State University, Dr. Randy Quinn, Executive Director of the Alabama Association of School Boards and for Mr. James A. Street, Executive Director of the Alabama Council of School Administrators and Supervisors.

Approved July 8, 1982

Time: 3:00 P.M.

Act No. 82-732

S.J.R. 39—Mr. Cook

## SENATE JOINT RESOLUTION

DIRECTING THE SECRETARY OF STATE TO PROVIDE COPIES OF THE SENATE AND HOUSE JOURNALS TO EACH FOUR-YEAR COLLEGE AND UNIVERSITY OF THE STATE.

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That we do hereby direct the Secretary of State to provide copies of the Senate Journals

and the House Journals to the libraries of each four-year college and university of this State.

BE IT FURTHER RESOLVED, That sufficient funds, from funds appropriated to the use of the Legislature, shall be allocated and paid to cover the costs of printing and distribution of such journals.

Approved July 8, 1982

Time: 3:00 P.M.

Act No. 82-733

S.J.R. 41—Mr. Miller

### SENATE JOINT RESOLUTION

COMMENDING AND CONGRATULATING THE CITY OF ENTERPRISE ON THE OCCASION OF ITS CENTENNIAL.

WHEREAS, the City of Enterprise, Alabama founded in 1882, is celebrating its Centennial July 2-4, 1982; and

WHEREAS, the citizens of Enterprise, to honor their heritage and in civic pride and awareness, will gather in celebration both to recollect the joys and trials of the past as well as to pledge themselves to continued progress and prosperity for their city in its second 100 years; and

WHEREAS, beginning with the town's first permanent residence, built by J. H. Carmichael who also served as the city's first mayor, Enterprise has furthered its growth primarily through the cooperative efforts of its citizens; today, the town stands as a monument to advancement with a stable economy based on agriculture, business and industry, and as the home of Enterprise State Junior College and Fort Rucker Army and Aviation Center; and

WHEREAS, Enterprise also is the site of the world famous Boll Weevil Monument, listed as the most unusual monument in the world in that it perpetuates the memory of an insect, the Mexican Boll Weevil, and was erected by the townspeople as a constant reminder of the importance of diversified farming; and

WHEREAS, as the citizens of Enterprise join in common bond to celebrate the centennial of the city's founding—with a three-day gala weekend of planned events and activities—this body also salutes the 100th birthday of Enterprise, Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend hearty congratulations and sincere commendation to the City of Enterprise and direct that a copy of this resolution be sent to the Mayor of Enterprise and to Mr. Tim Alford as Chairman of the Enterprise Centennial Commission.

Approved July 8, 1982

Time: 3:00 P.M.

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Act No. 82-734

S.J.R. 42—Mr. Robertson

SENATE JOINT RESOLUTION  
COMMENDING MR. GEORGE F. LIVINGSTON.

WHEREAS, Mr. George F. Livingston, Administrator of West Alabama General Hospital, Inc., Northport, has been named "Administrator of the Year" by the Alabama Society for Hospital Social Workers; and

WHEREAS, this honor is awarded in recognition of outstanding leadership, demonstrated concern for patients' rights and social needs, respect for social services in the hospital and contribution to public awareness of social work; and

WHEREAS, George F. Livingston was presented this award in acknowledgement of his interest in and promotion of medical social work and of hospital-wide and community-wide awareness of the role hospital social work provides in patient care; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join the Alabama Society for Hospital Social Workers in honoring Mr. George F. Livingston and direct that he receive a copy of this resolution in token of our sincere praise and esteem.

Approved July 8, 1982

Time: 3:00 P.M.

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Act No. 82-735

S. 8— Messrs. Callahan, Cook, Britnell,  
Higginbotham, Holmes, Miller,  
Taylor, Teague (B), Vacca and  
White

## AN ACT

To provide for a prayer that may be given in the public schools and educational institutions of this state.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** From henceforth, any teacher or professor in any public educational institution within the State of Alabama, recognizing that the Lord God is one, at the beginning of any homeroom or any class, may pray, may lead willing students in prayer, or may lead the willing students in the following prayer to God:

Almighty God, You alone are our God. We acknowledge You as the Creator and Supreme Judge of the world. May Your justice, Your truth, and Your peace abound this day in the hearts of our countrymen, in the counsels of our government, in the sanctity of our homes and in the classrooms of our schools in the name of our Lord. Amen.

**Section 2.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 8, 1982

Time: 3:00 P.M.

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Act No. 82-736

S. 23—Mr. White

## AN ACT

To amend Section 16-36-2, Code of Alabama 1975, which provides for the composition of the state textbook committee, so as to increase the membership on the committee.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 16-36-2, Code of Alabama 1975, is hereby amended to read as follows:

“Section 16-36-2. (a) The state textbook committee shall be composed of 23 members. Four of such members shall be secondary school classroom teachers and four elementary school classroom teachers. One of these eight members shall be appointed from each of the seven congressional districts, as such districts are now constituted, and one shall be appointed statewide. There shall also be four members appointed from the state at large, and these four members may be either classroom teachers or persons actively engaged in the supervisory or administrative capacity in the field of education. There

shall be two members of the committee who are employees of state institutions of higher learning. These 14 members of the state textbook committee shall each be appointed by the state board of education upon nominations made by the state superintendent of education. Nine members shall be appointed by the Governor, subject to the confirmation of the Senate, one from each of the seven congressional districts, as such districts are now constituted and two appointed statewide and, these two shall be members of local city or county boards of education at the time of their appointment. All members of the textbook committee shall be appointed for terms of one year, beginning on the first day of May. Two of the members appointed from the congressional districts shall be recommended by the state superintendent of education. These 9 additional members shall have general knowledge of the subject area to be considered for textbook adoption and shall be supportive of public education and shall have a demonstrated ability to read and write at a post high school level and shall not be employed in education.

“(b) Vacancies in the office of any of the committee members shall be filled by the original appointing authority, and the appointee shall hold office for the unexpired term and until his successor is appointed and qualified.

“(c) In order to qualify as a member of the committee, each person appointed shall make an affidavit to be filed with the state board of education within 10 days after notice of his appointment that he will discharge faithfully all the duties imposed upon him as a member of the state textbook committee; that he has no interest, directly or indirectly, in any contract that may be made under this chapter; that he has no interest as author, as associate author, as publisher or as a representative of the author or publisher of any textbook; that he has no pecuniary interest, directly or indirectly, in the business or profits of any person, firm or corporation engaged in manufacturing, publishing or selling textbooks; that he will not accept any emolument or promise of future reward of any kind from any publisher of textbooks, his agents or anyone interested in or intending to bias his judgment in any way in the selection of any textbook up for adoption; also that he will not reveal to anyone, except to the state board of education, the findings, ratings or grading of the state textbook committee.

“(d) It shall be a misdemeanor for any member of said committee or the secretary thereof, or for any other person, to disclose ratings and gradings to anyone except to the state board of education, until after the contracts are made, and anyone found guilty of doing so shall be fined not exceeding \$500.00 and also may be imprisoned or sentenced to hard labor for a term not exceeding six months.”

**Section 2.** The vacancies created by the passage of this act shall be filled immediately and those appointed shall serve until confirmed by the Senate during the first legislative session subsequent to the passage of this act. All subsequent appointments by the Governor shall be submitted and confirmed by the Senate by April 1 each year thereafter.

**Section 3.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, except as otherwise herein provided.

Approved July 8, 1982

Time: 3:00 P.M.

Act No. 82-737

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H.J.R. 43—Reps. Albright, Adams (C),  
 Adams (H), Amari, Barton,  
 Bedsole, Bennett, Biddle, Blake,  
 Boles, Bowling, Brakefield,  
 Buskey, Cabaniss, Campbell,  
 Carothers, Carter, Cates,  
 Cheatwood, Clark (G), Clark (W),  
 Cobb, Coburn, Cooley, Cosby,  
 Crow, Daniels, Dial, Dixon,  
 Drinkard, Edwards, Escott, Ford,  
 Gafford, Gilmer, Goodwin, Gregg,  
 Grimsley, Grouby, Hammett,  
 Harper (O), Harper (T), Harrison,  
 Harvey, Higginbotham, Hines,  
 Holley, Holmes, Horn, Howard,  
 Jackson, Johnson (R. G.),  
 Johnson (Roy), Kelley, Kennedy,  
 Laird, Langford, Letson, Lewis,  
 McCorquodale, McKee,  
 McMillan, Manley, Minus,  
 Mitchell, Moore, Naramore,  
 Nevett, Olive, Owens, Parker,  
 Patton, Payne, Pegues, Penry,  
 Rains, Ray, Reed, Riddick,  
 Roberts, Sandusky, Sasser,  
 Seibels, Shavers, Shoemaker,  
 Smith (C), Smith (J), Smith (M),  
 Starkey, Stewart, Stout,  
 Trammell, Tucker, Turner,  
 Turnham, Venable, Waggoner,

Ward, Warren, Whatley,  
Williams, Willis, Wyatt, Zoghby

HOUSE JOINT RESOLUTION  
MOURNING THE DEATH OF JAMES ANDERSON HALL

WHEREAS, the Legislature was greatly saddened to learn of the death of James Anderson Hall on June 22, 1982; and

WHEREAS, Mr. Hall was a strong family man and very proud of his ancestry. He was a descendant of Hugh Hall, Sr. of Ireland. After the death of Hugh Hall Sr., his widow and sons James and Hugh joined the migration of the Scotch-Irish to America. During the voyage the Widow Hall died and was buried at sea. The ship landed in Philadelphia in 1720 and James and Hugh settled in Lancaster County, Pennsylvania. Hugh Hall's six sons served in the American Revolution. James Hall came to North Carolina in 1752 and was forefather to more than 60 ministers and more than 30 wives of ministers; and

WHEREAS, James Anderson Hall a native of Holcut, Mississippi moved to Madison County in 1920. He was the beloved husband to Velma Sanders Hall for forty-nine years and four months. He was the devoted father to two children; Corene Hall Harris and our good friend and colleague, Representative James Albert Hall; and loving grandfather to June Harris, Lynda Hall and Jim Hall; and

WHEREAS, Mr. Hall was a lifelong farmer in the Community of Gurley-Maysville, Madison County, having won the Regional Championship National Soybean Contest in 1968 by producing the highest five acre yield and was a lifelong member of the Madison County Farm Bureau; and

WHEREAS, Mr. Hall was a member of the Gurley Church of Christ; a man much loved and admired by all who knew him. He was a youthful man in his day, a man of upright character, a true and loyal citizen and above all, he was an honest man and believed that if you owed anyone a penny, it should be paid before the sun goes down. His death has left a deep void in the lives of all those privileged to know and to love him; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this Legislature would like to pay tribute to this great but humble man who has made a lasting contribution to his fellowman and express our deep and sincere sympathy to his widow, children and grandchildren, relatives and many friends.



BE IT FURTHER RESOLVED, That copies of this resolution be provided for his family so they may know we truly share the sorrow of their great loss.

Approved July 8, 1982

Time: 3:00 P.M.

Act No. 82-738

H. 39—Rep. Owens

### AN ACT

To provide authorization to the Department of Conservation and Natural Resources' Parks Division and Marine Resources Division to spend, out of their respective funds, during the fiscal year ending September 30, 1982, the following amounts for the following purposes: (1) Parks Division — Such funds as are necessary for the maintenance, staff, and repair of the Governor's official beach mansion; (2) Marine Resources Division — Such funds as are necessary for Alabama's pro rata share of the Gulf States Marine Fisheries Commission operating expenses.

*Be It Enacted by the Legislature of the State of Alabama:*

**Section 1.** The Parks Division of the Department of Conservation and Natural Resources is hereby authorized to spend during the fiscal year ending September 30, 1982, from funds in the State Parks Fund, such funds as are necessary for the maintenance, staff and repair of the Governor's official beach mansion.

**Section 2.** The Marine Resources Division of the Department of Conservation and Natural Resources is hereby authorized to spend, during the fiscal year ending September 30, 1982, from funds in the Marine Resources Fund, such funds as are necessary for Alabama's pro rata share of the Gulf States Marine Fisheries Commission operating expenses.

**Section 3.** The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 4.** All laws or parts of laws which conflict with this Act are hereby expressly repealed.

**Section 5.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved July 8, 1982

Time: 3:00 P.M.

Act No. 82-739

H. 40—Rep. Owens

## AN ACT

To define the legislative intent, and to provide for a supplemental appropriation for the fiscal year ending September 30, 1982, from the Game and Fish fund to the Game and Fish Division for the purchase of equipment.

*Be It Enacted by the Legislature of the State of Alabama:*

**Section 1.** Legislative Intent.

WHEREAS, Act No. 636, Regular Session, 1977, Section 2, transferred to the Department of Conservation and Natural Resources, in paragraph 19 (g), \$400,000.00, from the State General Fund to the Game and Fish Fund, for Capital Improvements-(Bibb and Escambia County Lakes); and

WHEREAS, a portion of that transfer has not been expended; and

WHEREAS, said funds are needed by the Department of Conservation and Natural Resources for the purchase of equipment;

WHEREAS, it is the intent of the Legislature to now make such funds available for the purchase of equipment.

**Section 2.** In addition to all other appropriations heretofore or hereafter made from the Game and Fish Fund, there is hereby appropriated from said fund for the fiscal year ending September 30, 1982, for the Department of Conservation and Natural Resources the sum of \$182,778.00 for the purchase of equipment.

**Section 3.** This act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved July 8, 1982

Time: 3:00 P.M.

Act No. 82-740

H. 75—Rep. Hines

## AN ACT

To authorize and make provision for the incorporation in the City of Brewton of the Brewton Development Authority for the purpose of promoting trade and commerce by inducing commercial enterprises to upgrade, improve, modernize, and expand existing facilities and to locate new facilities in the central business district of Brewton; to define the area of such central business district and the development of industry through an industrial park of said city; to provide for the election and compensation

of directors of any such Authority; to provide for the powers, authorities and duties of such Authority, its board of directors, and its officers; to authorize such Authority to acquire by purchase, construction, exchange, gift, lease or otherwise and to refinance existing indebtedness on, improve, maintain, equip and furnish land and buildings or other improvements thereon and all real and personal properties necessary in connection therewith whether or not now existing, suitable for use by any commercial enterprise, provided that such property shall be located wholly within the Downtown Development Area and industrial park area of said city herein defined; to authorize any such Authority to lease such properties to others; to authorize any such Authority to sell, exchange, donate or convey and to grant options to any lessee to acquire such properties; to provide for the issuance by any such Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of the revenues and receipts derived from the leasing or sale of such properties; to provide that in certain circumstances such securities shall constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues and receipts from which they are payable, by contracts binding any such Authority for the proper application of its revenues and receipts and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues and receipts from which such securities are payable; to authorize the Authority to finance, construct, acquire, purchase, renovate, maintain, improve, sell, equip, operate or manage projects; to apply for and use government or private financial assistance; to contract to use facilities or services of the federal, state or local governments or allow them to use facilities or services of the Authority; to make loans to persons or entities for the costs of a project on such security and with such terms and conditions as the Authority deems appropriate; to provide for the employment by any such Authority of such officers, employees, contractors, consultants and agents as its business may require; to provide for the taking out by any such Authority of various types of insurance; to require payments in lieu of taxes to be made to the Authority or the City; to receive the proceeds of municipal taxes levied for the Authority's purposes; to promote revitalization of the Downtown Development Area development of industry through an industrial park area and make plans and proposals therefor; to provide for the investment of funds of any such Authority; to provide for the use of the proceeds of any such securities issued by any such Authority; to provide for the refunding, by the issuance of such securities of any such Authority, of securities theretofore issued by it; to provide that such securities issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to make the securities issued by any such Authority eligible investments for various governmental bodies and fiduciaries; to provide that any such Authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds by such Authority, and to provide that any action or proceeding questioning the validity of such bonds, or any pledge, mortgage and deed of trust or trust indenture securing the same, or the proceedings authorizing the same, must be commenced within thirty (30) days after the first publication of said notice; to exempt the income of any such Authority, and all conveyances, leases, mortgages and deeds of trust to which any such Authority is a party, from all taxation in the state except for state ad valorem taxes; to exempt every such Authority from all license and excise taxes imposed in respect of the privilege of engaging in any of the activities in which an Authority may engage, except for state sales and use taxes, and to exempt such Authority from all laws of the state governing usury or prescribing or limiting interest rates; to exempt every such Authority from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to exempt every such Authority from the supervision and control of state agencies, in particular the State Department of Finance; to provide for the disposition of the earnings, if any, of any such Authority; to provide for the dissolution of any such Authority and the disposition of its property; to limit to one the number of such Authorities which may exist in any municipality at any

one time; to give the Authority the power of eminent domain; and to authorize political subdivisions, agencies, instrumentalities and public corporations of the state to aid the Authority with loans or grants of money, the furnishing of services or the transfer of property to the Authority without any public election.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Legislative and Intent. The revitalization and redevelopment of the central business district of the City of Brewton and the development of an industrial park for said city develops and promotes for the public good and general welfare trade, commerce, industry and employment opportunities and promotes the general welfare of the City and State by creating a climate favorable to the location of new industry, trade and commerce, and the development of existing industry, trade and commerce. Revitalization and redevelopment of such central business district and the industrial development area by financing projects under the Act will develop and promote for the public good and general welfare trade, commerce, industry and employment opportunities and will promote the general welfare of the City and State. It is therefore in the public interest and is vital to the public welfare of the people of Brewton and of Alabama, and it is hereby declared to be the public purpose of this Act to so revitalize and redevelop the central business district and develop the industrial park of the City of Brewton.

**Section 2.** Definitions. The following words and phrases used in this Act, and others evidently intended as the equivalent thereof, shall, in the absence of clear implication herein otherwise, be given the following respective interpretations herein:

1. "Applicant" means a natural person who files a written application with the Governing Body of the City in accordance with the provisions of Section 4 hereof.

2. "Authority" means the Brewton Development Authority, a public corporation organized pursuant to the provisions of this Act.

3. "Authorizing Resolution" means a resolution adopted by the Governing Body of the City in accordance with the provisions of Section 4 hereof, that authorizes the corporation of the Authority.

4. "Board" means the Board of Directors of the Authority.

5. "Bonds" means and shall include bonds, notes and certificates representing an obligation to pay money.

6. "City" means the City of Brewton, Alabama.

7. "Director" means a member of the Board of the Authority.

8. "Downtown Development Area" means the central business district of the City as described in Section 9(b) hereof and "Industrial

Development Park” means the area designated as such by the mayor and city council of the City of Brewton, Alabama.

9. “Governing Body” means, with respect to the City, its city council, board of commissioners, or other like governing body.

10. “Incorporators” means the persons forming a public corporation organized pursuant to the provisions of this Act.

11. “Person” unless limited to a natural person by the context in which it is used, includes a public or private corporation, a Municipality, a County, or an agency, department or instrumentality of the State, or of a County or Municipality.

12. “Principal Office” means the place at which the certificate of incorporation and amendments thereto, the by-laws and the minutes of the proceedings of the Board of the Authority are kept.

13. “Project” means interests in land, buildings, structures, facilities or other improvements located or to be located within the Downtown Development Area and Industrial Development Area and any fixtures, machinery, equipment, furniture or other property of any nature whatsoever used on, in or in connection with any such land, interest in land, building, structure, facility or other improvement, all for the essential public purpose of the development of trade, commerce, industry and employment opportunities in the Downtown Development Area and Industrial Development Area. A project may be for any industrial, commercial, business, office, parking, utility, residential (including without limitation homes, apartments, townhouses, condominiums, hotels and motels) or other use, provided that a majority of the members of the Authority determine, by a resolution duly adopted, that the project and such use thereof would further the public purpose of this Act.

14. “State” means the State of Alabama.

**Section 3.** Use of Phrases. The following provisions shall be applied wherever appropriate herein:

“Herein,” “hereby,” “hereunder,” “hereof,” and other equivalent words refer to this Act as an entirety and not solely to the particular section or portion thereof in which any such word is used.

The definitions set forth in Section 2 hereof shall be deemed to include both singular and plural and to cover all genders.

**Section 4.** Filing of Application; Authorization of Incorporation by Governing Body of City. The Authority may be organized pursuant to the provisions of this Act. In order to incorporate such a public corporation, any number of natural persons, not less than

three, who are duly qualified electors of the City, shall first file a written application with the Governing Body of the City, which application shall:

(1) Contain a statement that the Applicants propose to incorporate the Authority pursuant to the provisions of this Act;

(2) State the proposed location of the Principal Office of the Authority, which shall be within the corporate limits of the City;

(3) State that each of the Applicants is a duly qualified elector of the City; and

(4) Request that the Governing Body of the City adopt a resolution declaring that it is wise, expedient, and necessary that the proposed Authority be formed and authorizing the Applicants to proceed to form the proposed Authority by the filing for record of a certificate of incorporation in accordance with the provisions of Section 5 hereof.

Every such application shall be accompanied by such supporting documents or evidence as the Applicants may consider appropriate. As promptly as may be practicable after the filing of the application with it in accordance with the provisions of this section, the Governing Body of the City shall review the contents of the application, and shall adopt a resolution either (a) denying the application or (b) declaring that it is wise, expedient, and necessary that the proposed Authority be formed and authorizing the Applicants to proceed to form the proposed Authority by the filing for record of a certificate of incorporation in accordance with the provisions of Section 5 hereof. The Governing Body with which the application is filed shall also cause a copy of the application to be spread upon or otherwise made a part of the minutes of the meeting of such Governing Body at which final action upon said application is taken.

**Section 5.** Procedure to Incorporate; Contents and Execution of Certificate of Incorporation. Within forty (40) days following the adoption of the Authorizing Resolution the Applicants shall proceed to incorporate the Authority by filing for record in the office of the Judge of Probate of Escambia County a certificate of incorporation which shall comply in form and substance with the requirements of this section and which shall be in the form and executed in the manner herein provided.

The certificate of incorporation of the Authority shall state:

(1) The names of the persons forming the Authority, and that each of them is a duly qualified elector of the City;

(2) The name of the Authority, which shall be "The Brewton Development Authority";

(3) The period for the duration of the Authority (if the duration is to be perpetual, subject to the provisions of Section 20 hereof, that fact shall be stated);

(4) The name of the City together with the date on which the Governing Body thereof adopted the Authorizing Resolution;

(5) The location of the Principal Office of the Authority, which shall be within the corporate limits of the City;

(6) That the Authority is organized pursuant to the provisions of this Act; and

(7) Any other matters relating to the Authority that the Incorporators may choose to insert and that are not inconsistent with this Act or with the laws of the State.

The certificate of incorporation shall be signed and acknowledged by the Incorporators before an officer authorized by the laws of the State to take acknowledgments to deeds. When the certificate of incorporation is filed for record, there shall be attached to it (a) a copy of the application as filed with the Governing Body of the City in accordance with the provisions of Section 4 hereof, and (b) a certified copy of the Authorizing Resolution adopted by the Governing Body of the City. Upon the filing for record of the said certificate of incorporation and the documents required by the preceding sentence to be attached thereto, the Authority shall come into existence and shall constitute a public corporation under the name set forth in said certificate of incorporation. The Judge of Probate shall thereupon send a notice to the Secretary of State that the certificate of incorporation of the Authority has been filed for record.

**Section 6.** Amendments to Certificate of Incorporation. The certificate of incorporation of the Authority incorporated under the provisions of this Act may at any time and from time to time be amended in the manner provided in this section. The Board shall first adopt a resolution proposing an amendment to the certificate of incorporation which shall be set forth in full in the said resolution and which amendment may include any matters which might have been included in the original certificate of incorporation.

After the adoption by the Board of a resolution proposing an amendment to the certificate of incorporation of the Authority, the chairman of the Board and the secretary of the Authority shall sign and file a written application in the name of and on behalf of the Authority, under its seal, with the Governing Body of the City, requesting such Governing Body to adopt a resolution approving the proposed amendment, and accompanied by a certified copy of the said resolution adopted by the Board proposing the said amendment to

the certificate of incorporation, together with such documents in support of the application as the said chairman may consider appropriate. As promptly as may be practicable after the filing of the said application with the Governing Body of the City pursuant to the foregoing provisions of this section, that Governing Body shall review the said application and shall adopt a resolution either denying the said application or authorizing the proposed amendment. Such Governing Body shall also cause a copy of the said application and all accompanying documents to be spread upon or otherwise made a part of the minutes of the meeting of said Governing Body at which final action upon the said application is taken.

Within forty (40) days following the adoption by the Governing Body of the City of a resolution approving the proposed amendment the chairman of the Board of the Authority and the secretary of the Authority shall sign, and file for record in the office of the Judge of Probate of Escambia County a certificate in the name of and in behalf of the Authority under its seal reciting the adoption of said respective resolutions by the Board and by the said Governing Body and setting forth the said proposed amendment. The Judge of Probate for such County shall thereupon record such certificate in an appropriate book in his office. When such certificate has been so filed and recorded, such amendment shall become effective and the certificate of incorporation shall thereupon be amended to the extent provided in the amendment. No certificate of incorporation of the Authority shall be amended except in the manner provided in this section.

**Section 7. Board of Directors.** Each Authority shall be governed by a Board of Directors. All powers of the Authority shall be exercised by the Board or pursuant to its authorization. The Board shall consist of seven Directors who shall be elected by the Governing Body of the City for staggered terms as hereinafter provided. The Governing Body of the City shall specify for which term each Director is elected. The initial terms of office of two Directors shall be two years each. The initial terms of office of two Directors shall be four years each. The initial term of office of three Directors shall be six years. Thereafter, the term of office of each such Director shall be six years. If at the expiration of any term of office of any Director, a successor thereto shall not have been elected, then the Director whose term of office shall have expired shall continue to hold office until his successor shall be so elected. If at any time there should be a vacancy on the Board, a successor Director to serve for the unexpired term applicable to such vacancy shall be elected by the Governing Body of the City. No officer or employee of the State or of any County or Municipality shall, during his tenure as such officer, be eligible to serve as a Director. Each Director must be a duly qualified elector of the City. Directors shall be eligible for reelection. Each



Director shall be reimbursed for expenses actually incurred by him in and about the performance of his duties. Any Director of the Authority may be impeached and removed from office in the same manner and on the same grounds provided in Section 175 of the Constitution of Alabama and the general laws of the state for impeachment and removal of the officers mentioned in Section 175.

**Section 8.** Officers of the Authority. The officers of the Authority shall consist of a chairman, vice chairman, secretary, treasurer, and such other officers as its Board shall deem necessary or appropriate. The offices of secretary and treasurer may, but need not, be held by the same person. The chairman and vice chairman of the Authority shall be elected by the Board from the membership thereof; the secretary, the treasurer, and any other officers of the Authority may, but need not, be members of the Board and shall also be elected by the Board. The chairman, vice chairman, secretary and treasurer of the Authority shall also be the chairman, vice chairman, secretary and treasurer of the Board, respectively.

**Section 9.** Powers of Authority. (a) The Authority shall have the following powers, together with all powers incidental thereto or necessary to the discharge thereof in corporate form:

(1) To have succession by its corporate name for the duration of time (which may be perpetuity, subject to the provisions of Section 20 hereof) specified in its certificate of incorporation;

(2) To sue and be sued in its own name and to prosecute and defend civil actions in any court having jurisdiction of the subject matter and of the parties;

(3) To adopt and make use of a corporate seal and to alter the same at pleasure;

(4) To adopt and alter by-laws for the regulation and conduct of its affairs and business;

(5) To acquire, whether by purchase, construction, exchange, gift, lease or otherwise and to refinance existing indebtedness on, improve, maintain, equip and furnish one or more Projects, including all real and personal properties which the Board of the Authority may deem necessary in connection therewith, regardless of whether or not any such Projects shall then be in existence;

(6) To lease to others any or all of its Projects and to charge and collect rent therefor, and to terminate any such lease upon the failure of the lessee to comply with any of the obligations thereof;

(7) To sell, exchange, donate or convey and to grant options to any lessee to acquire any of its Projects and any or all of its properties

whenever its Board shall find any such action to be in furtherance of the purposes for which the Authority was organized;

(8) To issue its Bonds for the purpose of carrying out any of its powers;

(9) To mortgage and pledge any or all of its Projects or any part or parts thereof, as security for the payment of the principal of and interest on any Bonds so issued and any agreements made in connection therewith, whether then owned or thereafter acquired, and to pledge the revenues and receipts therefrom or from any thereof;

(10) To execute and deliver, in accordance with the provisions of this section and Section 10 hereof, mortgages and deeds of trust and trust indentures, or either;

(11) To finance (by loan, grant, lease or otherwise), construct, erect, assemble, purchase, acquire, own, repair, remodel, renovate, rehabilitate, modify, maintain, extend, improve, install, sell, equip, expand, add to, operate or manage projects and to pay the cost of any project from the proceeds of Bonds, or any other funds of the Authority, or from any contributions or loans by persons, corporations, partnerships (limited or general) or other entities, all of which the Authority is hereby authorized to receive and accept and use;

(12) To issue and use the proceeds thereof for the purpose of paying, or loaning the proceeds thereof to pay all or any part of the cost of any project and otherwise to further or carry out the public purpose of the Authority and to pay all costs of the Authority incident to, or necessary and appropriate to, furthering or carrying out such purpose;

(13) To make application directly or indirectly to any federal, state, county or municipal government or agency or to any other source, public or private, for loans, grants, guarantees or other financial assistance in furtherance of the Authority's public purpose and to accept and use the same upon such terms and conditions as are prescribed by such federal, state, county or municipal government or agency or other source;

(14) To enter into agreements with the federal government or any agency thereof to use the facilities or the services of the federal government or any agency thereof in order to further or carry out the public purposes of the Authority;

(15) To contract for any period with the State of Alabama, State institutions or any city, town, municipality or county of the State for the use by the Authority of any facilities or services of the State or any such State institution, city, town, municipality or county, or for the use by any State institution or any city, town, municipality

or county of any facilities or services of the Authority, provided such contracts shall deal with such activities and transactions as the Authority and any such political subdivision with which the Authority contracts are by law authorized to undertake;

(16) To extend credit or make loans to any person, corporation, partnership (limited or general) or other entity for the costs of any Project or any part of the costs of any Project, which credit or loans may be evidenced or secured by loan agreements, notes, mortgages, deeds to secure debt, trust deeds, security agreements, assignments or such other instruments, or by rentals, revenues, fees or charges, upon such terms and conditions as the Authority shall determine to be reasonable in connection with such extension of credit or loans, including provision for the establishment and maintenance of reserve funds, and, in the exercise of powers granted hereby in connection with any project, the Authority shall have the right and power to require the inclusion in any such loan agreement, note, mortgage, deed to secure debt, trust deed, security agreement, assignment or other instrument of such provisions or requirements for guaranty of any obligations, insurance, construction, use, operation, maintenance and financing of a project, and such other terms and conditions, as the Authority may deem necessary or desirable;

(17) To acquire, accept or retain equitable interests, security interests or other interests in any real property, personal property or fixtures by loan agreement, note, mortgage, deed to secure debt, trust deed, security agreement, assignment, pledge, conveyance, contract, lien, loan agreement or other consensual transfer in order to secure the repayment of any monies loaned or credit extended by the Authority;

(18) To appoint, employ, contract with, and provide for the compensation of, such officers, employees and agents, including but without limitation to engineers, attorneys, contractors, consultants, and fiscal advisors, as the Board shall deem necessary for the conduct of the business of the Authority;

(19) To provide for such insurance as the Board may deem advisable;

(20) To make, enter into, and execute such contracts, agreements, leases and other instruments and to take such other actions as may be necessary or convenient to accomplish any purpose for which the Authority was organized or to exercise any power expressly granted hereunder;

(21) To require payments in lieu of taxes to be made by the lessee of the Project to either the Authority or the City.

(22) To receive and use the proceeds of any tax levied by a municipal corporation to pay the costs of any project or for any other purpose for which the Authority may use its own funds pursuant to this Act;

(23) To encourage and promote the improvement and revitalization of the Downtown Development Area and to make, contract for or otherwise cause to be made long-range plans or proposals for the Downtown Development Area in cooperation with the City or Escambia County; and to assist in the development of an industrial park area.

(24) To exercise any power granted by the laws of the State of Alabama to public or private corporations which is not in conflict with the public purpose of the Authority; and

(25) To do all things necessary or convenient to carry out the powers conferred by this Act .

(b) All Projects of the Authority shall be located wholly within the corporate limits of the City and shall be in the Downtown Development Area, and the industrial development park area.

**Section 10. Bonds of Authority.** (a) **Source of Payment.** All bonds issued by the Authority shall be payable solely out of the revenues and receipts derived from the leasing or sale by the Board of its Projects or of any thereof as may be designated in the proceedings of the Board under which the Bonds shall be authorized to be issued.

(b) **Pledge of Revenues, Receipts and Other Security.** The principle of and interest on any Bonds issued by the Authority shall be secured by a pledge of the revenues and receipts out of which the same may be payable and may be secured by a mortgage and deed of trust or trust indenture conveying as security for such Bonds all or any part of the property of the Authority from which the revenues or receipts so pledged may be derived.

The resolution under which the Bonds are authorized to be issued and any such mortgage and deed of trust or trust indenture may contain any agreements and provisions respecting the operation, maintenance and insurance of the property covered by said mortgage and deed of trust or trust indenture, the use of the revenues and receipts subject to such mortgage and deed of trust or trust indenture, the creation and maintenance of special funds from such revenues and receipts, the rights, duties and remedies of the parties to any such instrument and the parties for the benefit of whom such instrument is made and the rights and remedies available in the event of default as the Board shall deem advisable and which are not in conflict with the provisions of this Act. Each pledge, agreement, mortgage and deed

of trust or trust indenture may for the benefit or security of any of the Bonds of the Authority shall continue effective until the principal of and interest on the Bonds for the benefit of which the same were made shall have been fully paid.

In the event of default in such payment or in any agreements of the Authority made as a part of the contract under which the Bonds were issued, whether contained in the proceedings authorizing the Bonds or in any mortgage and deed of trust or trust indenture executed as security therefore, the rights of any holder of the Bonds may be enforced by mandamus, the appointment of a receiver, or either of said remedies, and foreclosure of such mortgage and deed of trust or trust indenture may, if provided for in said instrument, be had.

(c) Execution. All Bonds issued by the Authority shall be signed by the chairman of its Board and attested by its secretary, and the seal of the Authority shall be affixed thereto, and any interest coupons applicable to the Bonds of the Authority shall be signed by the chairman of its Board; provided, that a facsimile of the signature of one, but not both, of said officers may be printed or otherwise reproduced on any such Bonds in lieu of his manually signing the same, a facsimile of the seal of the Authority may be printed or otherwise reproduced on any such Bonds in lieu of being manually affixed thereto, and a facsimile of the signature of the chairman of the Board may be printed or otherwise reproduced on any such interest coupons in lieu of his manually signing the same.

(d) General Provisions Respecting Form, Interest Rate, Maturities, Sale and Negotiability of Bonds. Any such Bonds may be executed and delivered by the Authority at any time and from time to time, shall be in such form and denominations and of such tenor and maturities, shall contain such provisions not inconsistent with the provisions of this Act, and shall bear such rate or rates of interest, payable and evidenced in such manner, as may be provided by resolution of its Board. Bonds of the Authority may be sold at either public or private sale in such manner and at such price or prices and at such time or times as may be determined by the Board to be most advantageous. The Authority may pay all expenses, premiums and commissions in connection with any financing done by it. All Bonds, except Bonds registered as to principal or as to both principal and interest, and any interest coupons applicable thereto issued by the Authority shall be construed to be negotiable instruments although payable solely from a specified source.

(e) Nature of Obligation and Source of Payment. All obligations created or assumed and all Bonds issued or assumed by the Authority shall be solely and exclusively an obligation of the Authority and shall not create an obligation or debt of the State or of any

County or of the City; provided that the provisions of this sentence shall not be construed to release the original obligor from liability on any Bond or other obligation assumed by the Authority. Any Bonds issued by the Authority shall be limited or special obligations of the Authority payable solely out of its revenues and receipts of the Authority specified in the proceedings authorizing those Bonds.

(f) **Eligibility for Investment.** Bonds of the Authority are hereby made legal investments for executors, administrators, trustees and other fiduciaries, unless otherwise directed by the court having jurisdiction of the fiduciary relation or by the document that is the source of the fiduciary's authority, and for savings banks and insurance companies organized under the laws of the State.

**Section 11.** Proceeds from the Sale of Bonds. All moneys derived from the sale of any Bonds issued by the Authority shall be used solely for the purpose or purposes for which the same are authorized, including, but without limitation to, the use of Bond proceeds to establish reserve funds as security for the payment of the principal of (and premium, if any) and interest on the Bonds, and any costs and expenses incidental thereto. Such costs and expenses may include but shall not be limited to (1) the fiscal, engineering, legal and other expenses incurred in connection with the issuance of the Bonds, and (2) except in the case of refunding Bonds, interest to accrue on such Bonds for a period ending not later than two (2) years from their date.

**Section 12.** Refunding Bonds. Any Bonds issued by the Authority may from time to time be refunded by the issuance, by sale or exchange, of refunding Bonds payable from the same or different sources for the purpose of paying all or any part of the principal of the Bonds to be refunded, any redemption premium required to be paid as a condition to the redemption prior to maturity of any such bonds that are to be so redeemed in connection with such refunding, any accrued and unpaid interest on the Bonds to be refunded, any interest to accrue on each Bond to be refunded to the date on which it is to be paid, whether at maturity or by redemption prior to maturity, and the expenses incurred in connection with refunding; provided, that unless duly called for redemption pursuant to provisions contained therein, the holders of any such Bonds then outstanding and proposed to be refunded shall not be compelled without their consent to surrender their outstanding Bonds for such refunding. Any refunding Bonds may be sold by the Authority at public or private sale at such price or prices as may be determined by its Board to be most advantageous, or may be exchanged for the Bonds or other obligations to be refunded. Any such refunding Bonds may be executed and delivered by the Authority at any time and from time to time, shall be in such form and denominations and have such tenor

and maturities, shall contain such provisions not inconsistent with the provisions of this Act, and shall bear such rate or rates of interest, payable and evidenced in such manner, as may be provided by resolution of its Board.

Any refunding Bonds issued by the Authority shall be issued and may be secured in accordance with the provisions of Section 10 of this Act.

**Section 13.** Notice of Bond Resolution. Upon the adoption by the Board of the Authority of any resolution providing for the issuance of Bonds, such Authority may, in its discretion, cause to be published once a week for two consecutive weeks, in a newspaper published or having a general circulation in the City, a notice in substantially the following form (the blanks being properly filled in) at the end of which shall be printed the name and title of either the chairman or secretary of such Authority: "The Brewton Development Authority, a public corporation under the laws of the State of Alabama, on the                      day of                      , authorized the issuance of \$                      principal amount of bonds of the said public corporation for purposes authorized in the act of the Legislature of Alabama under which the said public corporation was organized. Any action or proceeding questioning the validity of the said bonds, or the pledge and the mortgage and deed of trust or trust indenture to secure the same, or the proceedings authorizing the same, must be commenced within thirty (30) days after the first publication of this notice." A newspaper shall be deemed to be published in the City, within the meaning of this section, if its principal editorial office is located in the City.

Any action or proceeding in any court to set aside or question the proceedings for the issuance of the Bonds referred to in said notice or to contest the validity of any such Bonds, or the validity of any pledge and mortgage and deed of trust or trust indenture made therefor, must be commenced within thirty (30) days after the first publication of such notice. After the expiration of the said period no right of action or defense questioning or attacking the validity of the said proceedings or of the said Bonds or the said pledge or mortgage and deed of trust or trust indenture shall be asserted, nor shall the validity of the said proceedings, Bonds, pledge, mortgage, and deed of trust or trust indenture be open to question in any court on any ground whatsoever except in an action commenced within such period.

**Section 14.** Exemption from Taxation. The Authority formed under this article, the property and income of the Authority (whether used by it or leased to others), all Bonds issued by the Authority, the income from such Bonds or from any other sources,

the interest and other profits from such Bonds enuring to and received by the holders thereof, conveyances by and to the Authority and leases, mortgages and deeds of trust by and to the Authority shall be exempt from all taxation in the State. The Authority shall not be obligated to pay any fees, taxes or costs to the Judge of Probate of Escambia county in connection with its incorporation or with any amendment to its certificate of incorporation or otherwise or to any Judge of Probate of any County in connection with the recording by it of any document or otherwise, the Authority being hereby exempted from the payment of any such fees, taxes and costs. No license or excise tax may be imposed by any authority with respect to the privilege of engaging in any of the activities authorized by this article, provided, however, that nothing contained in this section shall be construed to exempt the property of the Authority from any ad valorem taxes levied by the State of Alabama or exempt the Authority from sales and use taxes levied by the State but this proviso shall only apply to such taxes levied by the State and shall not apply to such taxes levied by any county, municipality or other political subdivision.

**Section 15.** Liability of City. The City shall not in any event be liable for the payment of the principal of or interest on any Bonds of the Authority or for the performance of any pledge, mortgage, obligation or agreement of any kind whatsoever which may be undertaken by the Authority, and none of the Bonds of the Authority or any of its agreements or obligations shall be construed to constitute an indebtedness of the City within the meaning of any constitutional or statutory provision whatsoever.

**Section 16.** Exemption from Usury and Interest Laws. The Authority shall be exempt from the laws of the State of Alabama governing usury or prescribing or limiting interest rates, including, but without limitation to, the provisions of Chapter 8 of Title 8 of the Code of Alabama of 1975, as it may at any time be amended.

**Section 17.** Exemption from Competitive Bid Laws. The Authority and all contracts made by it shall be exempt from the laws of the State of Alabama requiring competitive bids for any contract to be entered into by municipalities or public corporations authorized by them, including, but without limitation to, the provisions of Article 3 of Chapter 16 of Title 41 of the Code of Alabama 1975, as it may at any time be amended.

**Section 18.** Freedom of Authority from State Supervision and Control. This Act is intended to aid the State through the furtherance of the purposes of the Act by providing an appropriate and independent instrumentality of the State with full and adequate powers to fulfill its functions. Except as expressly provided in this



Act, no proceeding, notice or approval shall be required for the incorporation of the Authority or the amendment of its certificate of incorporation, the issuance of any Bonds, the execution of any mortgage and deed of trust or trust indenture, or the exercise of any other of its powers by the Authority. Neither a public hearing nor the consent of the State Department of Finance shall be prerequisite to the issuance of Bonds by the Authority.

**Section 19.** Earnings of the Authority. The Authority shall be a nonprofit corporation and no part of its net earnings remaining after payment of its expenses shall inure to the benefit of any individual, firm or corporation, except that in the event a Board shall determine that sufficient provision has been made for the full payment of the expenses, Bonds and other obligations of the Authority, then any net earnings of the Authority thereafter accruing shall be paid to the City.

**Section 20.** Dissolution of the Corporation and Vesting of Title to Property in the City. At any time when the Authority has no Bonds or other obligations outstanding, its Board may adopt a resolution, which shall be duly entered upon its minutes, declaring that the Authority shall be dissolved. Upon filing for record of a certified copy of the said resolution in the office for the Judge of Probate of Escambia County, the Authority shall thereupon stand dissolved and in the event it owned any property at the time of its dissolution, the title to all its properties shall thereupon pass to the City.

**Section 21.** Existence of the Authority to Prevent Incorporation of Another by the City. The existence of the Authority incorporated under the provisions of this Act shall prevent the subsequent incorporation hereunder of another Authority pursuant to authority granted by this Act.

**Section 22.** Power of Eminent Domain. The Authority is hereby granted the power of eminent domain and may exercise such power for the purpose of obtaining real property or any interest therein for any project it undertakes in the manner provided by law for the exercise of the power of eminent domain by municipalities.

**Section 23.** Loans, Sales, Grants, Etc., of Money, Property, Etc., to Authority by Counties, Municipalities, Etc. For the purpose of effecting the revitalization and redevelopment of the central business district of the City, any county, municipality or other political subdivision, public corporation, agency or instrumentality of this State may, upon such terms and with or without consideration, as it may determine:

(1) Lend or donate money to or perform services for the benefit of the Authority;

(2) Donate, sell, convey, transfer, lease or grant to the Authority, without the necessity of authorization at any election of qualified voters, any property of any kind, any interest therein and any franchise; and

(3) Do any and all things, whether or not specifically authorized in this article and not otherwise prohibited by law, that are necessary or convenient in connection with aiding and cooperating with the Authority in its efforts to revitalize and redevelop the central business district of the City.

**Section 24.** Provisions are Cumulative. The provisions of this Act are cumulative and shall not be deemed to repeal existing laws, except to the extent such laws are clearly inconsistent with provisions of this Act.

**Section 25.** Severability. In the event any section, sentence, clause or portion of this Act should be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any of the remaining sections, sentences, clauses or portions of this Act, which shall continue effective.

**Section 26.** Effective Date of Act. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 8, 1982

Time: 3:00 P.M.

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Act No. 82-741

H. 76—Rep. Hines

### AN ACT

To amend Section 1 of Act No. 225, H. 204, Special Session of the Legislature 1965 (Acts 1965 Special Session, p. 306), relating to the compensation of the members of the board of education of Escambia County.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 1 of Act No. 225, H. 204, Special Session of the Legislature 1965 (Acts 1965 Special Session, p. 306), is hereby amended to read as follows:

“Section 1. The members of the board of education of Escambia County shall each receive from the public school funds of the county \$150 per month for attending meetings of the board and transacting the business of the board. This sum shall be paid in lieu of any salary. Expenses shall be paid to the board members as presently provided for by law.”

**Section 2.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 8, 1982

Time: 3:00 P.M.

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Act No. 82-742

H. 77—Rep. Hines

### AN ACT

Relating to Escambia County; amending Act No. 81-1168, H-95, of the Third Special Session of the 1981 Legislature, approved November 30, 1981, which pertains to the Tax Assessor and Tax Collector by amending the provisions of Section 3 of said Act, by deleting in its entirety Section 4 of said Act, and by re-numbering the remaining paragraphs.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The provisions of this Act shall only apply in Escambia County, Alabama.

**Section 2.** Section 3 of Act No. 81-1168, H-95, of the Third Special Session of the 1981 Legislature, approved November 30, 1981, is hereby amended to read as follows:

“Section 3. Notwithstanding any law, rule or regulation to the contrary, any person who is employed as an assistant to the Tax Collector or the Tax Assessor on the effective date of this Act and who is related by blood or marriage to the present Tax Collector or Tax Assessor shall be entitled to continue in such employment at the pleasure of the Tax Collector or Tax Assessor as the case may be.”

**Section 3.** Section 4 of Act No. 81-1168, H-95, of the Third Special Session of the 1981 Legislature, approved November 30, 1981, is hereby deleted in its entirety, revoked and made of no further force and effect.

**Section 4.** The remaining Sections of said Act No. 81-1168 are renumbered to correspond with the deletion of Section 3.

**Section 5.** The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 6.** All laws or parts of laws which conflict with this Act are hereby repealed.

**Section 7.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon it otherwise becoming a law.

Approved July 8, 1982

Time: 3:00 P.M.,

Act No. 82-743

H. 24—Rep. Gilmer

### AN ACT

Relating to Fayette County; providing for the disposal of property under the control of the county commission; providing that competitive bids must be submitted; providing for the disposition of revenues received from the sale of said property; and providing for penalties for violations.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The provisions of this act shall only apply in Fayette County.

**Section 2.** All contracts for the sale or disposal of tangible personal property, equipment or other items owned by or under the control of the county commission shall be let by free and open competitive sealed bids. The chairman of the county commission shall certify to the description and condition of said property, shall give jurisdiction in writing for the disposal of the property, shall estimate the value of the property and shall keep the certification as a part of the permanent record of the commission.

**Section 2.** Every proposal to make a sale covered by this act shall be publicly advertised for four consecutive weeks in a newspaper of county-wide circulation and advertised one time in a newspaper of state-wide circulation not less than seven days in advance of the date fixed for closing the receipt of bids. The advertisements shall state a description of the property to be sold along with the date, time and place of opening of the sealed bids.

**Section 3.** All bids shall be publicly opened and all bidders shall be entitled to be present at the bid opening in person or by representative. Any agreement or collusion among bidders or prospective bidders or any other person in restraint of freedom of competition, by any agreement to bid at a fixed price or to refrain from bidding, shall render the bids of such bidders void and shall cause such bidders to be disqualified from submitting further bids on the sale. Any disclosure prior to opening the sealed bids or the terms of a bid shall render the proceedings void.

**Section 4.** All proceeds from the sale or other disposition of the property under this act shall be deposited in the fund of the district owning the property or the general fund of the county, if the property was owned by the county.

**Section 5.** Anyone who knowingly violates any provision of this act shall be guilty of a Class B felony and upon conviction shall be fined up to \$15,000 and may be imprisoned in the state penitentiary for up to seven years.

**Section 6.** Any taxpayer of the area within the jurisdiction of the county and any bona fide unsuccessful bidder on a particular contract shall be empowered to bring a civil action in the appropriate court to enjoin execution of any contract entered into in violation of the provisions of this act.

**Section 7.** The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 8.** All laws or parts of laws which conflict with this act are hereby repealed.

**Section 9.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 8, 1982

Time: 3:00 P.M.

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Act No. 82-744

H. 105—Rep. Hines

### AN ACT

Relating to Escambia County; providing for the payment, use and distribution of net monies received by Escambia County from severance tax and privilege tax on oil and gas under general or local law, including funds received pursuant to Sections 40-20-1 through 40-20-13, Code of Alabama 1975, as amended; authorizing certain expenditures from such funds; providing specifically for the allocation of a part of such funds for educational purposes, a part to the Escambia County Industrial Development Authority and a part for the creation and establishment of the Escambia County courthouse and county jail trust fund; providing for the administration and investment of such fund, the use of the interest thereon for certain improvements on the county courthouse and for the construction and equipment of and supplies for the county jail; and providing for dissolving such fund and the reversion of the remainder thereof to the county general fund; repealing specifically: Act No. 344, H. 679, of the 1953 Regular Session (Acts 1953, p. 407); Act No. 883, S. 771, of the 1978 Regular Session (Acts 1978, p. 1312); Act No. 612, H. 1141, of the 1978 Regular Session (Acts 1978, p. 869); and Act No. 81-1167, H. 85, of the Third Special Session of the 1981 Legislature, approved November 30, 1981, which relate to the distribution and allocation of net funds from

severance taxes on oil and gas; and providing different effective dates for the several provisions of the act, including giving certain provisions hereto retroactive effect; and further repealing any and all local laws in conflict with any section of this act.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** One-third of all net funds when received pursuant to Section 40-20-8(a), Code of Alabama 1975, as amended, by Escambia County from the severance tax levied, pursuant to Section 40-20-2, Code of Alabama 1975, as amended, shall be paid to the Escambia County Board of Education, to be used for educational purposes and to be distributed as follows: Each public board of education, now in existence or hereafter created in Escambia County, shall receive a pro rata share of said monies based upon the relation its average enrollment in its schools during the preceding school year bears to the average enrollment of all the public schools in Escambia County.

**Section 2.** One-third of all net funds when received pursuant to Section 40-20-8(c), Code of Alabama 1975, as amended, by Escambia County from the severance tax levied pursuant to Section 40-20-2, Code of Alabama 1975, as amended, shall be paid and distributed among the incorporated municipalities of Escambia County on the basis of population, each municipality receiving the same percentage of these net funds as its population is of the total population of all incorporated municipalities within the county. The last federal decennial census of population, as officially revised or amended, shall be used in determining the percentages for the distribution of such net funds. This section of the Act shall be effective retroactive to October 1, 1980.

**Section 3.** An amount equal to one-tenth of the net funds received by Escambia County pursuant to Sections 40-20-1 through 40-20-13 of the Code of Alabama 1975, as amended, for the general fund of the county or one hundred thousand dollars (\$100,000) of such funds, whichever is the lesser, shall be appropriated by the Escambia County Commission from the county general fund to the Escambia County Industrial Development Authority, created by Act No. 894, S. 773, of the 1978 Regular Session (Acts 1978, p. 1330). Furthermore, the governing body of Escambia County is hereby authorized to deposit directly into an account authorized by the Escambia County Industrial Development Authority on a monthly installment basis. Said development authority shall have the authority to contact with any municipality in Escambia County for services it deems appropriate out of the funds allocated by this section. Any such monies which are not expended by the said authority by September 20, 1982, and each September 30 thereafter, shall at the request of the Escambia County Commission be returned to the general fund of the county.

**Section 4.** (a) An amount equal to ten percent of the total of all net funds received by Escambia County, as a severance tax or

privilege tax on oil and gas under any general law, including Sections 40-20-1 through 40-20-13, Code of Alabama 1975, as amended, or any local law whatsoever, shall be deposited in the county treasury designated for the "Escambia County courthouse and county jail trust fund," which trust fund is hereby created. The county commission shall cause such funds to be invested at the best return of interest in the manner allowed by law. The county commission shall use the interest from such investments first for the installation of an elevator in the Escambia County courthouse; thereafter the interest from such investments shall be used by the county commission for the construction, equipping and supplying of the Escambia County jail. The county commission is authorized to enter into contracts and make purchases reasonably necessary to implement the provisions of this section and for administering the Escambia County courthouse and county jail trust fund. Within sixty (60) days after payment in full for all costs for the said elevator and county jail, the said Escambia County courthouse and county jail trust fund shall be dissolved and all funds remaining, including the original corpus established by this section, shall revert to the county general fund.

(b) The provisions of this section shall become effective immediately upon the first receipt of funds by Escambia County pursuant to Act No. 79-434, H. 148, of the 1979 Regular Session (Acts 1979, p. 687), as amended.

**Section 5.** The remainder of all revenues paid to Escambia County pursuant to any severance tax or privilege tax on oil and gas, under any general or local law whatsoever, not otherwise herein allocated, distributed or designated shall be deposited in the county general fund for the general purposes of the county.

**Section 6.** Act No. 344, H. 679, of the 1953 Regular Session (Acts 1953, p. 407), Act No. 883, S. 771, of the 1978 Regular Session (Acts 1978, p. 1312), Act No. 612, H. 1141, of the 1978 Regular Session (Acts 1978, p. 869); and Act No. 81-1167, H. 85, of the Third Special Session of the 1981 Legislature, approved November 30, 1981, are hereby specifically repealed, and all other laws or parts of laws in conflict with the provisions of this act are also hereby repealed.

**Section 7.** The provisions of Sections 1, 3, 5, 6 and 7 of this Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law; the provisions of Section 4 shall become effective as prescribed by Section 4(b) of this Act; and Section 2 shall be effective retroactive to October 1, 1980.

Approved July 8, 1982

Time: 3:00 P.M.

Act No. 82-745

H. 106—Rep. Hines

## AN ACT

Relating to Escambia County; providing further for the compensation of the sheriff.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Upon the expiration of the current term of office, the sheriff of Escambia County shall receive as his compensation, including base salary, the same amount of compensation received by the tax collector and tax assessor pursuant to Act No. 81-1168, H. 95, 1981 Third Special Session. Said compensation shall be paid in equal monthly installments out of the general fund of the county. In addition, the sheriff shall receive the same cost-of-living increases afforded other county employees.

**Section 2.** All laws or parts of laws which conflict with this act are hereby repealed.

**Section 3.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 8, 1982

Time: 3:00 P.M.

Act No. 82-746

H. 107—Rep. Daniels

## AN ACT

Relating to Geneva County; to provide that the county governing body in regulating and providing for the use of voting machines in all elections in the county may, in the manner herein prescribed, divide any voting precinct of the county into territories, designate in each territory a voting center at which the qualified electors of the territory so designated may vote, and prescribe the number of voting machines to be maintained at each voting center; and to provide election officers for each voting center designated by the county governing body, prescribe the duties of such election officers, and fix their compensation.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The provisions of this Act shall apply in Geneva County.

**Section 2.** Unless a contrary intent appears from the context, as used herein, the phrase "county governing body" means the court of county commissioners, board of revenue, or other like governing body of any such county; the word "election" means any general,



special, or primary election held in the county, including a district, municipal, county, state or federal election; and the term "voting center" means any place in the county which the county governing body designates as a place where a voting machine or voting machines will be maintained or operated at elections.

**Section 3.** (a) Subject to the provisions of subsection (b), when the use of voting machines at elections in the county has been, or shall hereafter be authorized, the county governing body of the county shall have the authority to designate a voting center or voting centers in the county. The order so designating voting centers shall state (1) the location of the voting center and (2) the boundaries of the territory in which electors shall reside to be entitled to vote at said voting center. A copy of this order shall be posted at the courthouse door of each county to which this Act applies. The limitations prescribed by law as to the number of electors who may reside in a voting district shall not apply to a territory designated hereunder. All of the territory designated for a voting center shall be located in the same precinct; and the voting center designated therefor shall be located in the territory. The county governing body may by order abolish a voting territory and discontinue the voting center therein or may extend or restrict the boundaries of such voting territory and retain the voting center therein, or may subdivide such voting territory and designate an additional voting center therein.

(b) Except as herein expressly provided, in designating voting centers and the territory for which they were established, the county governing body shall be subject to all other laws applicable to the governing body of a county, regarding the change or establishment of the districts of a precinct, including but not limited to the provisions of Sections 17-5-1 through 17-5-13, Code of Alabama 1975, as amended.

**Section 4.** (a) The voting list of any territory which is furnished the election officers serving at the voting center designated for such territory shall contain the names of all qualified electors of the territory on a single roll; however, when the roll contains more than twenty-four hundred names the list of qualified electors or roll shall be divided into alphabetical sections of not more than twenty-four hundred names per section. Except as herein otherwise provided, the laws applicable to the preparation, distribution, publication and checking of qualified lists shall apply to the poll list of a territory for which a voting center has been established by the county governing body pursuant to authority hereby conferred.

(b) No elector shall vote at any voting center other than the voting center of the territory of which he is a qualified elector, but any elector eligible to vote at a voting center may vote on any voting

machine maintained at such voting center, upon presentation of the identification card issued to him by an election officer serving at such voting center.

**Section 5.** The county governing body shall determine the number of voting machines deemed necessary to serve adequately the voters at an election, taking into consideration the nature or character of the election; provided, however, that at each election there shall be maintained at each voting center at least one voting machine for each six hundred voting electors, or fraction thereof, residing in the territory served by the voting center designated for said territory. At least twenty days prior to the time when the election officers for an election are required to be appointed, the county governing body shall in writing inform the officers whose duty it is to appoint said election officers of the number of voting machines which will be maintained at the respective voting centers during the forth coming election; and the officers whose duty it is to appoint election officers shall appoint the number of election officers for the respective voting centers required hereby to conduct elections in which the number of voting machines, shown in the statement of the county governing body, will be maintained.

**Section 6.** (a) For each voting center where only one voting machine is to be used, the election officials shall consist of an inspector, a chief clerk and two assistant clerks. For each voting center where more than one voting machine is to be used there shall be appointed one chief inspector who shall supervise the conduct of the other officials and the operation of the voting center, one inspector and one chief clerk, and for each voting machine to be used at such center there shall be appointed two assistant clerks. For each voting center where more than four voting machines are to be used there may be appointed two additional assistant clerks for each group of four voting machines or fraction thereof.

(b) The election officers provided for herein shall be appointed by the same officers that appoint other election officers as provided for in Section 17-16-17, Code of Alabama 1975. They shall perform all duties imposed on election officers by the general law and in addition thereto the following duties: One of the election officers shall be assigned to each section of the voting list and such election officers shall issue to each elector at the time he checks the name off the list of qualified electors an identification card, which shall be presented to the assistant clerk in charge of the voting machine and surrender to him when the voter enters the voting machine. The identification cards shall each have printed on them the words "voter identification card," and they shall contain a space in which shall be entered the signature of the election officer who delivers the card to the elector.

The identification cards shall bear neither a number nor the name of the voter. Identification cards shall be procured by the same officer who procures other election supplies and shall be paid for from the same funds that the cost of other election supplies are paid.

(c) The assistant clerk in charge of the voting machine shall require that each voter sign at the machine a poll list before he is allowed to enter the machine to vote. A separate poll list of persons casting challenged votes shall be kept by the officials.

(d) The inspector shall certify on each statement of canvass form the total number of votes cast on all machines at the voting center and the total number of electors' names recorded on the poll lists at such voting center. Election officers provided for by this Act shall be compensated for their services in the same manner and at the same rates provided by law for election officers where voting machines are used.

(e) It shall be the duty of all election officials to see that order is maintained in the polling place. The inspector shall see that the returns are filled out for each voting machine as required by law and delivered to the proper officials, and that the records of the election relating to each machine are enclosed respectively in each machine, and that the list of qualified voters, challenged ballots, and one copy of each challenged oath and any other records relating to the election in general are enclosed in an appropriate voting machine.

**Section 7.** The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 8.** The provisions of this Act shall be supplemental to other laws regulating the designating of voting places and the division of voting precincts into voting districts and shall be construed in *pari materia* with such laws but such provisions of these laws as conflict with this Act are hereby repealed.

**Section 9.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 8, 1982

Time: 3:00 P.M.

To amend Section 2 of Act No. 116, H. 563, 1973 Regular Session (Acts 1973, p. 147), relating to Coffee County, so as to provide further for the qualifications of the county engineer.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 2 of Act No. 116, H. 563, 1973 Regular Session (Acts 1973, p. 147) is hereby amended to read as follows:

“Section 2. The Coffee County Commission or any succeeding county governing body performing the functions of the county governing body in said county, shall appoint and employ a county engineer, who shall be a thoroughly qualified and competent professional engineer not required to be a land surveyor, but otherwise possessing all of the qualifications as specified for county engineers under the general laws of the State of Alabama; and he shall devote his entire time and attention to the maintenance and construction of the Coffee County public roads, highways, bridges, ferries, and other county engineering projects. The said county engineer shall serve at the pleasure of the Coffee County Commission.”

**Section 2.** All laws or parts of laws which conflict with this act are hereby repealed.

**Section 3.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 8, 1982

Time: 3:00 P.M.

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Act No. 82-748

H. 137—Rep. Campbell

AN ACT

To amend No. 592, Regular Session, Alabama Legislature, 1953, providing for a civil service system for the City of Anniston in Calhoun County, Alabama by providing further for exemptions from operation of the Act.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 3 of Act No. 592, Regular Session, Alabama Legislature, 1953 is hereby amended to read as follows:

The provisions of this Act shall apply to all officers and employees in the service of the city or any board, agency or instrumentality thereof except: (a) elective officers; (b) members of appointive boards, commissions, and committees; (c) all employees of the city board of education engaged in the profession of teaching or in supervising

teaching in the public schools; (d) attorneys, physicians, surgeons, nurses and dentists employed in their professional capacities; (e) the judge of any court; (f) independent contractors receiving their remuneration from public funds under contracts awarded by competitive bidding; (g) any person whose employment is subject to the approval of the United States government or any agency thereof; (h) the secretary of the chief executive officer of the city; (i) the director of the Anniston Museum of Natural History.

**Section 2.** This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved July 8, 1982

Time: 3:00 P.M.

Act No. 82-749

H. 144—Reps. Sasser, Grimsley

### AN ACT

Relating to Henry County, to change the method of compensating the judge of probate; to fix such compensation; to provide that fees, commissions, allowances, percentages and other charges heretofore collected for the use of the judge of probate shall be collected and paid into the general fund of the county; and to make provision for the personnel, quarters and supplies for the probate office.

### *Be It Enacted by the Legislature of Alabama:*

**Section 1.** The probate judge of Henry County shall be entitled to receive compensation in the form of an annual salary which shall be equal to \$16,000.00 per annum less than the total salary compensation paid by the state to the presiding circuit judge in said county. Such salary shall be paid in lieu of all other fees, allowances, and percentages heretofore provided by law, and shall be paid in equal monthly installments out of the general fund in the county treasury.

**Section 2.** All fees, commissions, allowances, percentages and other charges heretofore collected for the use of the judge of probate, hereafter shall be collected and paid into the general fund of the county.

**Section 3.** Upon the recommendation of the judge of probate, the governing body of Henry County shall provide the probate office with such office personnel, clerks, deputies, and such quarters, books, stationery, furniture, equipment and other such conveniences and supplies as such governing body may consider necessary for the proper and efficient conduct of such office. Compensation of any personnel

so provided shall be fixed by the judge of probate, and shall be paid in equal monthly installments out of the general fund of the county.

**Section 4.** The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 5.** All laws or parts of laws which conflict with this Act are hereby repealed.

**Section 6.** This Act shall become effective on the first day of the next term of office of the judge of probate of Henry County after its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 8, 1982

Time: 3:00 P.M.

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Act No. 82-750

H. 5—Rep. Minus

### AN ACT

Relating to Sumter County; providing further for the compensation of the board of registrars.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Each member of the board of registrars of Sumter County shall receive fifty dollars (\$50.00) per day for the performance of his official duties upon attendance of the sessions of the board. The county commission of Sumter County shall supplement the compensation already provided by the general law of the state with funds out of the county general fund sufficient to bring said compensation up to the amount provided for by this act.

**Section 2.** The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 3.** All laws or parts of laws which conflict with this act are hereby repealed.

**Section 4.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 8, 1982

Time: 3:00 P.M.

Act No. 82-751

H. 6—Rep. Minus

## AN ACT

Relating only to Sumter County, to further provide for the distribution of the tax levied by Act No. 82-344, Acts of Alabama, Regular Session 1982.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** This act applies to Sumter County only.

**Section 2.** Section 1 (c)(2)(xxvii) of Act No. 82-344 Acts of Alabama, Regular Session 1982 to the contrary notwithstanding, in Sumter County the entire proceeds of the tax levied by said act shall be paid to the county treasurer and, after reimbursement of 2 1/2% for services, the treasurer shall pay into the general fund of each incorporated municipality 4/9ths of the revenue produced within the corporate limits of said municipality and the remainder shall be paid into the general fund of the county.

**Section 3.** This act shall become effective at midnight on September 30, 1982 upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 8, 1982

Time: 3:00 P.M.

Act No. 82-752

H. 20—Rep. Kelley

## AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the Town of Grant, Alabama.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The boundary lines and corporate limits of the Town of Grant, Alabama are hereby altered, rearranged and extended so as to include within the corporate limits of Grant, Alabama in addition to lands now included therein, all of the following territory, to-wit:

## PARCEL I:

Beginning at the Southeast corner of the Northeast fourth of the Southeast fourth of Section 13, Township 6, Range 3 East; thence South 83° 30' West 330 feet to the true point of beginning, being the West side of the Grant and Mt. Shade Road; thence along the West

margin of said road North  $41^{\circ}$  East 207 feet to the South margin of a new farm to market road; thence North  $82^{\circ} 30'$  West 471 feet; thence South  $65^{\circ}$  East 38.5 feet; thence South  $83^{\circ} 30'$  East 137 feet; thence South  $40^{\circ}$  East 126 feet; thence South  $60^{\circ}$  East 61 feet; thence South  $24^{\circ} 15'$  East 65 feet to the true point of beginning. The Southwest line being the center line of a terrace flow line, being a part of the Northeast fourth of the Southeast fourth of Section 13, Township 6, Range 3 East, lying and being in Marshall County, Alabama, and containing .6 acre, more or less, in Marshall County, Alabama.

## PARCEL II

Beginning at the Northern most point of Lot 1 of the Grant Commercial Subdivision in Marshall County, Alabama, as the same appears of record in Plat Book 6 page 123 in the Probate Office of Marshall County, Alabama; thence along the North line of said lot South  $51^{\circ} 59'$  East 92 feet to the point of beginning for the property herein described; thence South  $51^{\circ} 59'$  East 38 feet; thence South  $38^{\circ} 01'$  West 12 feet; thence South  $51^{\circ} 59'$  East along the North line of the Battles lot as recorded in Book 528 page 289 in the Probate Office of Marshall County, Alabama, 150 feet to the Southeast line of said Lot 1; thence South  $38^{\circ} 01'$  West along the Southeast lines of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22 of said subdivision 517 feet to the Southeast corner of the Dennis lot as recorded in Deed Book 600 page 192 at a point South  $38^{\circ} 01'$  West 4 feet from the Northeast corner of said Lot 22; thence North  $51^{\circ} 59'$  West and parallel with the North line of said Lot 22, 166 feet, more or less, to a point 125 feet Southeasterly from the West line of said Lot 22; thence in a Southwesterly direction parallel with the West lines of Lots 22, 23, 24, 25, 26, 27, 28, 29 and 30 in said subdivision 221 feet to a point on the South line of said Lot 30; thence continue Southwesterly in the same direction 75 feet; thence North  $51^{\circ} 59'$  West 125 feet to a point on the Southeast margin of the Grant Highway; thence in a Southwesterly direction along the Southeast margin of said highway approximately 500 feet to a point where the same intersects with the South margin of 13th Street East; thence in a Northeasterly direction along the South margin of said street approximately 1100 feet to a point where the same intersects the East line of Section 13, Township 6 South, Range 3 East; thence Northerly along said East line approximately 650 feet to the Southwest corner of the Northwest fourth of the Southwest fourth of Section 18, Township 6 South, Range 4 East; thence East along the South line of the Northwest fourth of the Southwest fourth of Section 18, Township 6 South, Range 4 East approximately 1320 feet to the West line of the Old Union Road right of way; thence North along said West line approximately 1,040 feet to a property corner; thence West approximately 340 feet to another corner in said property; thence North



approximately 220 feet to the Beulah Road; thence West along the South margin of said road approximately 460 feet to the intersection with the Southeast margin of the Grant Highway; thence in a Southwesterly direction along the Southeast margin of said highway 166 feet, more or less, to the Northern most corner of the Paul Kennamer home lot; thence in a Southeasterly direction along said Kennamer lot 300 feet; thence Southwesterly parrallel with Grant Highway 200 feet; thence Northwesterly along said Kennamer lot 300 feet to a point on the Southeast margin of said Grant Highway; thence in a Southwesterly direction along said margin 700 feet; thence deflect 90° to the left and run in a Southeasterly direction 110.47 feet; thence deflect 23° to the right and run in a Southeasterly direction 110.1 feet; thence in a Southwesterly direction 290 feet, more or less, to the point of beginning.

**Section 2.** All laws or parts of laws which conflict with this act are hereby repealed.

**Section 3.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 8, 1982

Time: 3:00 P.M.

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Act No. 82-753

H. 23—Reps. Adams (C), Whatley

### AN ACT

Relating to Russell County; increasing the salary of the sheriff effective at the next term of office and repealing Act No. 191, H. 750, 1973 Regular Session (Acts 1973, p. 228).

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** In Russell County, the sheriff is hereby authorized to receive a salary of thirty thousand dollars (\$30,000.00) payable in equal monthly installments from the county general fund. Said salary shall be in lieu of any and all other compensation or salary heretofore paid by law.

**Section 2.** All laws or parts of laws which conflict with this act are hereby repealed and specifically Act No. 191, H. 750, 1973 Regular Session, (Acts 1973, p. 228) is hereby repealed.

**Section 3.** This act shall become effective on the first day of the next term of office of the sheriff following its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 8, 1982

Time: 3:00 P.M.

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Act No. 82-754

H. 43— Rep. Ford

### AN ACT

Relating to Etowah County; requiring the county to continue paying health insurance premiums for a certain period of time for certain employees laid off due to insufficient funds.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** In the event that any person employed full time by Etowah County, Alabama, has to be laid off due to insufficient funds, the county shall continue to pay the health insurance premiums necessary to keep such employee's health insurance in force until either such time as the employee commences full-time employment elsewhere or a period of three months has lapsed from the date of such layoff, whichever occurs first.

**Section 2.** The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 3.** All laws or parts of laws which conflict with this act are hereby repealed.

**Section 4.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 8, 1982

Time: 3:00 P.M.

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Act No. 82-755

H.J.R. 72—Rep. Letson

### HOUSE JOINT RESOLUTION

DESIGNATING THE BRIDGE IN LAWRENCE COUNTY ON ALABAMA HIGHWAY 33, BETWEEN MOULTON AND COURTLAND, THE "MADISON MILLPOND-CHARLES JORDAN BRIDGE."

WHEREAS, Mr. Charles Jordan, is a resident of Moulton, Alabama; and

WHEREAS, Mr. Charles Jordan has been active in civic affairs for the betterment of his community; and

WHEREAS, Mr. Charles Jordan was responsible in getting up the petition and engaging in the tasks necessary to get a new bridge in Lawrence County on Alabama Highway 33, between Moulton and Courtland; now therefore,

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That the bridge in Lawrence County on Alabama Highway 33, between Moulton and Courtland, be herewith designated the "Madison Millpond-Charles Jordan Bridge."

BE IT FURTHER RESOLVED, That a copy of this resolution be provided Mr. Charles Jordan.

Approved July 8, 1982

Time: 3:00 P.M.

Act No. 82-756

H. 33—Rep. Owens

### AN ACT

To amend Section 11-10-2, Code of Alabama 1975, as amended, which relates to the making of loans by counties in anticipation of taxes so as to increase the allowable amount of such loans and to increase the allowable interest rate on such loans.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 11-10-2, Code of Alabama 1975, as amended, is hereby further amended to read as follows:

"Section 11-10-2. Such loans shall not be in an amount greater than \$400,000.00 per year and may bear interest not to exceed twelve percent per annum.

All such loans shall mature not later than February 1 of the year following that in which the loan is made and may be renewed only upon payment of all interest then due, together with not less than 10 percent of the principal then outstanding.

No proceeds from any loans made under the provisions of this chapter shall be used for any purpose other than that for which the general funds of the county may now be used."

**Section 2.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 8, 1982

Time: 3:00 P.M.

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Act No. 82-757

H. 37—Rep. Owens

### AN ACT

To make an appropriation of Trust Income from the Alabama Heritage Trust Fund to the State General Fund for the ordinary expenses of state government for the fiscal year ending September 30, 1982.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated from the Alabama Heritage Trust Fund, as a transfer to the State General Fund, income in the amount of \$22,195,774, which sum shall be transferred to the State General Fund.

**Section 2.** This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved July 8, 1982

Time: 3:00 P.M.

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Act No. 82-758

H. 38—Rep. Owens

### AN ACT

To make a supplemental appropriation for interest on the public debt for the fiscal year ending September 30, 1982.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** In addition to all other appropriations heretofore or hereafter made (including without limitation, the appropriations heretofore made in Act No. 81-859 enacted at the 1981 Regular Session of the Legislature), there is hereby appropriated from the State General Fund, the estimated sum of \$23,787,662, \$1,591,888 of which was received on May 11, 1982 as accrued interest on the General Obligation Capital Improvement Bonds, Series A and B, for payment of debt service on General Obligation Capital Improvement Bonds, Series A and B, in fiscal year 1981-82.

**Section 2.** This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved July 8, 1982

Time: 3:00 P.M.

Act No. 82-759

H. 46—Rep. Waggoner

### AN ACT

To provide that any retired member of the Teachers' Retirement System of Alabama or the Employees' Retirement System of Alabama who has selected a survivor option may cancel the survivor allowance payable to his designated beneficiary and name such new beneficiary as he shall nominate to receive a pro rata payment for the number of days said member shall live during the month of his death and to provide that such election to cancel the beneficiary allowance shall be irrevocable.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Any member of the Teachers' Retirement System of Alabama or the Employees' Retirement System of Alabama who is retired and who has selected a survivor option may cancel the survivor allowance payable to his designated beneficiary. Such election shall be in accordance with the rules and regulations prescribed by the Board of Control and once made by the member shall be irrevocable. Any member who so elects to cancel a survivor allowance shall designate such new beneficiary as he shall nominate to receive a pro rata payment for the number of days said member shall live during the month of his death. Any cancellation of a survivor allowance under the provisions of this act shall be irrevocable by the member and payment of the pro rata amount for the number of days said member lives during the month of his death shall be in lieu of any other benefits heretofore payable under the provisions of the teachers' retirement law or the employees' retirement law.

**Section 2.** The provisions of this act are supplemental and are not intended to repeal any provisions of law not directly inconsistent therewith; however, to the extent such existing laws conflict with this act they are hereby repealed to the extent of such conflict.

**Section 3.** This act shall become effective immediately upon its passage and approval by the Governor or otherwise becoming a law.

Approved July 8, 1982

Time: 3:00 P.M.

Act No. 82-760

H. 116—Rep. Owens

## AN ACT

To make a conditional appropriation for the payment of the State's share of administration cost and matching grants furnished by the Federal Emergency Management Agency for the fiscal year ending September 30, 1983, from the General Fund of the State Treasury.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** There is hereby appropriated, in addition to any and all other appropriations heretofore or hereafter made, the amount of three million four hundred thousand dollars (\$3,400,000) from the General Fund of the State Treasury for the fiscal year ending September 30, 1983, for payment of the State's share of administration cost and matching grants furnished by the Federal Emergency Management Agency. The above appropriation shall be conditional upon the condition of the State General Fund and upon the approval of the Governor.

**Section 2.** The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 3.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 8, 1982

Time: 3:00 P.M.

Act No. 82-761

S. 1—Mr. Harrison

## AN ACT

To amend Sections 11-88-3, 11-88-8, 11-88-11 and 11-88-21 of the CODE OF ALABAMA 1975 so as to make additional provisions respecting incorporation of authorities thereunder, to make certain provisions with respect to the interest and method and time of computing and paying interest on bonds, to specify the use of proceeds of bonds and the source of payment thereof, to exempt certain transactions from review or control by any other public agency and to provide that the provisions of this act are severable.

*Be It Enacted by the Legislature of Alabama:*

1. Section 11-88-3 of the CODE OF ALABAMA 1975 is hereby amended to read as follows:

"Section 11-88-3. Filing of application for incorporation of authority; adoption of resolution approving or denying application by county governing body.

(a) In order to incorporate an authority under this chapter, any number of natural persons, not less than three, shall first file a written application with the governing body of that county in which the area or areas to be served by the proposed authority is located. Such application shall contain:

(1) A statement that the authority proposes to render water service, sewer service and fire protection service or any one or more thereof;

(2) A concise legal description of the area or areas in which the authority proposes to render water service, sewer service, and fire protection service or any thereof;

(3) A statement that there is no public water system adequate to serve any area in which it is proposed that the authority will render water service, that there is no public sewer system adequate to serve any area in which it is proposed that the authority will render sewer service and that there are no public fire protection facilities adequate to serve any area in which it is proposed that the authority will render fire protection service; provided, that in lieu of the statement required by the foregoing provisions of this subdivision (3), the said application may state that the Board of Directors or similar governing or managing body of the owner of the legal or equitable title to an existing public water system, public sewer system, or public fire protection facility, as the case may be, has adopted a resolution either (i) declaring its intention to convey to the authority its interest in such existing system or facility, or both, or a leasehold estate therein, or (ii) consenting to the incorporation of the authority and its proposed service area;

(4) A statement that the establishment of an adequate water system, adequate sewer system and adequate fire protection facility or any thereof, will promote the public health, convenience and welfare;

(5) A statement that each of the applicants is a resident of and owner of real property in the area or areas of the county in which the authority proposes to render water service, sewer service and fire protection service or any thereof and that each of them is a duly qualified elector of said county; and

(6) A request that the said governing body adopt a resolution declaring that it has reviewed the contents of the application and has found and determined as a matter of fact that the statements contained in the application are true.

The proposed service area described in any such application shall lie wholly within the boundaries of the county with whose governing body the application is filed and may lie either within or without or partly within and partly without the boundaries of any municipality in the said county. Every such application shall be accompanied by such supporting documents or evidence as the applicants may consider appropriate.

(b) As promptly as may be practicable after the filing of the application with it pursuant to the provisions of subsection (a) of this section, the governing body with which the application was filed shall review the contents of the application and shall find and determine whether the statements contained in the application are true. If said governing body finds and determines that the said statements are not true, it shall deny the application, but if it finds and determines that the said statements are true, the said governing body shall adopt a resolution declaring that it has reviewed the contents of the application and has found and determined as a matter of fact that the statements in the application are true. In determining whether the statements in the application are true, the governing body with whom such application is filed may, without any investigation or further consideration, assume that the statement therein made pursuant to the provisions of subdivision (1) of subsection (a) of this section is true and may, without any investigation or further consideration, so find and determine in such resolution."

2. Section 11-88-8 of the CODE OF ALABAMA 1975 is hereby amended to read as follows:

"Section 11-88-8. Bonds of authority—Form, terms denominated, etc; sale; execution and delivery; refunding; liability thereon; security for payment of principal and interest and payment thereof generally; provisions in mortgages, deeds of trust or trust indentures executed as security for payment of bonds generally. All bonds issued by the authority shall be signed by the chairman of its board or other chief executive officer and attested by its secretary and the seal of the authority shall be affixed thereto, and any interest coupons applicable to the bonds of the authority shall be signed by the chairman of its board or other chief executive officer; provided, that a facsimile of the signature of one, but not both, of said officers may be printed or otherwise reproduced on any such bonds in lieu of his manually signing the same, a facsimile of the seal of the authority may be printed or otherwise reproduced on any such bonds in lieu of being manually affixed thereto and a facsimile of the signature of the chairman of its board or other chief executive officer may be printed or otherwise reproduced on any such interest coupons in lieu of his manually signing the same.



Any such bonds may be executed and delivered by the authority at any time and from time to time, shall be in such form and denominations and of such tenor and maturities, shall contain such provisions not inconsistent with the provisions of this article and shall bear such rate or rates of interest, or no interest, computed, compounded (if determined by the board to be advantageous), payable at such time or times, and evidenced in such manner, as may be provided by resolution of its board. Bonds of the authority may be sold at either public or private sale in such manner and at such price or prices and at such time or times as may be determined by the board to be most advantageous. The principal of and interest on any bonds issued or obligations assumed by the authority may thereafter at any time (whether before, at or after maturity of any such principal and whether at, after or not exceeding six months prior to the maturity of any such interest) and from time to time be refunded by the issuance of refunding bonds of the authority, which may be sold by the authority at public or private sale at such price or prices as may be determined by its board to be most advantageous or which may be exchanged for the bonds or other obligations to be refunded. The authority may pay all expenses, premiums and commissions which its board may deem necessary and advantageous in connection with any financing done by it. All bonds issued by the authority shall be construed to be negotiable instruments although payable solely from a specified source.

All obligations created or assumed and all bonds issued or assumed by the authority shall be solely and exclusively an obligation of the authority and shall not create an obligation or debt of any county or municipality; provided, that the provisions of this sentence shall not be construed to release the original obligor from liability on any bond or other obligation assumed by the authority.

Any bonds issued by the authority shall be limited or special obligations of the authority payable solely out of the revenues of the authority specified in the proceedings authorizing those bonds. Any such proceedings may provide that the bonds therein authorized shall be payable solely out of the revenues derived from the leasing, sale or operation of all water systems, sewer systems and fire protection facilities owned by the authority or solely out of the revenues from the leasing, sale or operation of any one or more of such systems or facilities or parts thereof, regardless of the fact that those bonds may have been issued with respect to or for the benefit of only certain particular systems or facilities of the authority.

The authority may pledge for the payment of any of its bonds the revenues from which such bonds are payable and may execute and deliver a trust indenture evidencing any such pledge or a mortgage and deed of trust conveying as security for such bonds the water

systems, sewer systems or the fire protection facilities or any part of any thereof the revenues or any part of the revenues from which are so pledged. Any mortgage and deed of trust or trust indenture made by the authority may contain such agreements as the board may deem advisable respecting the operation and maintenance of the property and the use of the revenues subject to such mortgage and deed of trust or affected by such trust indenture and respecting the rights, duties and remedies of the parties to any such instrument and the parties for the benefit of whom such instrument is made; provided, that no such instrument shall be subject to foreclosure."

3. Section 11-88-11 of the CODE OF ALABAMA 1975 is hereby amended to read as follows:

"Section 11-88-11. Same — Disposition of proceeds from sale of bonds. All moneys derived from the sale of any bonds issued by the authority shall be used solely for the purpose or purposes for which the same are authorized, including the funding of all or part of any reserve funds which may be required for debt service, replacement and extension or capital improvements, and any costs and expenses incidental thereto. Such costs and expenses may include but shall not be limited to:

(1) The fiscal, engineering, legal and other expenses incurred in connection with the issuance of and security for the bonds, including, without limitation, the charges, premiums or fees in connection with any debt service insurance or letter of credit or other additional security given with respect to its bonds, whether such amounts are to be paid in a lump sum or over a period of time;

(2) Interest on bonds in the case of bonds issued to pay costs of construction or, if a part only of any series of bonds is issued for construction purposes, interest on that portion of the bonds of that series that is issued to pay construction costs prior to and during such construction and for not exceeding one year after completion of such construction; and

(3) Any premium that it may be necessary to pay in order to redeem or retire the bonds or other obligations to be refunded in the case of bonds issued for the purpose of refunding principal and interest, or either, with respect to bonds issued or obligations assumed by the authority."

4. Section 11-88-21 of the CODE OF ALABAMA 1975 is hereby amended to read as follows:

"Section 11-88-21. When proceedings, notice, etc., for incorporation of authority, acquisition of property, issuance of bonds, etc., required; exemption of authority, etc., from jurisdiction and regula-

tion of public service commission, etc. Except as expressly otherwise provided in this article or article 2 of this chapter no proceeding, notice or approval shall be required for the incorporation of any authority or the amendment of its certificate of incorporation, the acquisition of any property, water system, sewer system or fire protection facility or the issuance of any bonds, mortgage and deed of trust or trust indenture.

The authority, every water system, sewer system or fire protection facility owned by the authority or leased or subleased to a determining county and the rates and charges thereof shall be exempt from all jurisdiction of and all regulation and supervision by the Alabama public service commission and neither a public hearing nor the consent of the state department of finance shall be prerequisite to the issuance of bonds by the authority or any transaction between the authority and the determining county or between the determining county and any vendor, vendee, lessor or lessee to or from the authority."

5. The provisions of this Act are separable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

6. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved July 8, 1982

Time: 3:00 P.M.

Act No. 82-762

J. 19—Mr. Higginbotham

### AN ACT

To prescribe that all public school systems shall allow reasonable access of their public school facilities to official recruiting representatives of the armed or military forces of the United States, consistent with policies governing other agencies not a part of the school system, for the purpose of informing students on occupational and educational options.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** All city and county public school systems of Alabama shall allow reasonable access of their public school facilities to official recruiting representatives of branches of the armed forces and military forces of the United States, consistent with policies governing other agencies not a part of the school system, to inform students on the educational and occupational options in military service.

**Section 2.** The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 3.** All laws or parts of laws which conflict with this Act are hereby repealed.

**Section 4.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 8, 1982

Time: 3:00 P.M.

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Act No. 82-763

S. 31—Mr. Denton

### AN ACT

To amend Sections 36-14-13 and 41-4-156, Code of Alabama, 1975, as amended, which pertain to the printing and distribution of acts, resolutions and pamphlet acts of the Alabama legislature so as to provide further for the distribution of printed acts and resolutions of the Alabama legislature; to delete the provision related to the sales price of volumes of such acts and resolutions and that the secretary of state shall set such sales price; and to provide further for the distribution of pamphlet acts of the Alabama legislature.

### *Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 36-14-13, Code of Alabama, 1975, is hereby amended to read as follows:

“Section 36-14-13.

The secretary of state must also transmit to the chairman of the county commission and the judges of probate of each county, for such judge, each member of the legislature, clerk of any court of record, sheriff and register of the circuit court, one copy of each volume. The remaining copies must be sold as other books and documents, the property of the state, at a price to be established by the secretary of state, and the proceeds thereof paid into the treasury.”

**Section 2.** Section 41-4-156 of the Code of Alabama, 1975, as amended, is hereby amended to read as follows:

“Section 41-4-156.

(a) Within three working days after an enrolled bill or joint resolution has been delivered to and filed in the office of the secretary of state, it shall be numbered, in the order in which it is received,

and a copy of each local or general act shall be placed in the hands of the printer by the secretary of the senate or clerk of the house, as the case may be. The printer must immediately print 1,700 copies in slip or pamphlet form in accordance with Section 41-4-158, which the printer must distribute as follows: two copies for every member and officer of the legislature, which copies shall be delivered to the secretary of the senate and the clerk of the house of representatives, 25 copies to the supreme court library, 15 copies to the legislative reference service, 20 copies to the law library at the University of Alabama, 50 copies to the department of archives and history, one copy to every judge of a court of record, circuit court clerk, register of the circuit court, district court clerk, district attorney, deputy district attorney, county commission chairman, municipal clerk, and sheriff, and the remainder shall be delivered to the secretary of state.

(b) Each probate judge, circuit court clerk, register of the circuit court, district court clerk, county commission chairman, municipal clerk, and sheriff shall preserve in his office, in a book kept for that purpose, each pamphlet furnished him until the acts are published in permanent form. Pamphlet acts shall be open to public inspection during regular business hours."

**Section 3.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 8, 1982

Time: 3:00 P.M.

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Act No. 82-764

S. 32—Mr. Martin

### AN ACT

To amend Section 11-50-16, Code of Alabama 1975, which Section relates to employment of the mayor or president of board of commissioners as superintendent of a municipal utility system or systems, duties and compensation and validation of prior employment, so as to authorize an increase of salary payable to mayors or presidents of boards of commissioners for services rendered as superintendent of a municipal utility system or systems; to extend said Section to incorporated municipalities organized and operating under the provisions of Articles 2 and 3 of Chapter 44, Title 11, Code of Alabama 1975; to provide an effective date.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 11-50-16, Code of Alabama 1975, is amended to read as follows:

"§ 11-50-16. Employment of mayor or president of board of commissioners of certain municipalities as superintendent of light,

water, sewer or gas systems, etc.; duties and compensation; validation of prior employment, etc.

“(a) In all incorporated municipalities organized and operating under the provisions of articles 1, 2 and 3 of chapter 44, Title 11, which own and operate a municipal light and power system, a municipal water system, a municipal sewage system or a municipal gas system or any of them, the board of commissioners may, by resolution duly entered in its minutes, authorize the mayor or president of the board of commissioners to act as superintendent of such system or systems and to give as much of his time thereof as the commissioners may direct; provided, that in any such municipality in which a municipal board or municipal public corporation owns or operates a municipal light and power system, a municipal water system, a municipal sewage system or a municipal gas system or any of them, such board or municipal public corporation may, by resolution duly entered in its minutes, employ the mayor or president of the board of commissioners to act as superintendent of such system or systems and to give so much of his time thereto as such board or corporation may direct.

“(b) The mayor or president of the board of commissioners, as such superintendent of such system or systems, shall serve as purchasing agent and make all purchases authorized by the board of commissioners, board or municipal public corporation therefor. He shall keep a check on meter readings and bids for service of the system and see that the collections thereof are made. He shall see that the system or systems are kept in proper repair and operation, he shall keep an inventory showing the supplies and equipment on hand for such system or systems, he shall keep a full and complete monthly financial statement of all operation costs and receipts and keep a proper inventory of the fiscal assets of such system or systems available for the board of commissioners, board or municipal public corporation at such times as it shall require, but not less frequently than once every three months, and shall handle all such data and information relative to such system or systems. For his service as superintendent of such system or systems the mayor or president of the board of commissioners shall be paid, in addition to the salary now or hereafter provided by law, such sum as the board of commissioners, board or municipal public corporation shall deem reasonable, but not to exceed \$600.00 per month, except in cases where the board of commissioners, board or municipal public corporation requires the full time services of the mayor or president of the board of commissioners as superintendent of such system or systems, in which event he may be paid not more than \$1200.00 per month for such service. The board of commissioners, board or municipal public corporation may at any time it deems best dispense with the mayor or president of the board of commissioners’ services as superintendent.

“(c) The provisions of this section shall be curative and retroactive and any employment of any mayor or president of the board of commissioners as superintendent of any such system or systems (utility or utilities) heretofore made by any such board of commissioners, board of municipal public corporation and any salary heretofore paid to any mayor or president of the board of commissioners by any such board of commissioners, board or municipal public corporation for his services as superintendent of such system or systems is hereby validated.”

**Section 2.** This act shall become effective on the first day of the second month after its passage and approval by the Governor or upon its otherwise becoming a law.

Approved July 8, 1982

Time: 3:00 P.M.

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Act No. 82-765

S. 33—Mr. Martin

### AN ACT

To amend Section 11-43-80, Code of Alabama 1975, which Section relates to powers, duties, office and salary of mayors and as superintendent of a municipal utility system or systems so as to authorize an increase of salary payable to mayors for services rendered as superintendent of a municipal utility system or systems; to provide an effective date.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 11-43-80, Code of Alabama 1975, is amended to read as follows:

“§ 11-43-80. Powers and duties generally; office; salary; employment, salary, etc., as superintendent of municipal light, water, sewage, etc., systems.

“(a) The mayor shall have the powers and perform the duties provided by this title and by other applicable provisions of law and shall keep an office in the city or town.

“(b) The mayor shall receive such salary as the council may prescribe, which must be fixed by the council not less than six months prior to each general municipal election.

“(c) In municipalities which own and operate light and power systems, municipal water systems, municipal sewage systems and municipal gas systems, one or any of them, may, by resolution of the governing body duly entered in its minutes, require the mayor to act as superintendent of such system or systems and to give so much of

his time thereof as the governing body may direct. In any municipality in which a municipal board or municipal public corporation owns and operates a municipal light and power system, municipal water system, municipal sewage system and municipal gas system, one or any of them, such board or municipal public corporation may, by resolution duly entered in its minutes, employ the mayor to act as superintendent of such system or systems and to give so much of his time thereto as such board or corporation may direct. The mayor, as such superintendent of such system or systems, shall serve as purchasing agent and make all purchases authorized by the governing body, board or municipal public corporation therefor, and shall keep a check on meter readings and bids for service of the system and see that the collections thereof are made. He shall see that the system or systems are kept in proper repair and operation, shall keep an inventory showing the supplies and equipment on hand for such system or systems, shall keep a full and complete monthly financial statement of all operation costs and receipts and keep a proper inventory of the fiscal assets of such system or systems and shall handle all such data and information relative to such system or systems available for the governing body, board or municipal public corporation at such times as it shall require, but not less frequently than once every three months. For his service as superintendent of such system or systems, the mayor shall be paid, in addition to his salary as mayor, such sum as the governing body, board or municipal corporation shall deem reasonable, but not to exceed \$600.00 per month, except in cases where the governing body, board or municipal corporation requires the full time services of the mayor as superintendent of such system or systems, in which even he may be paid not exceeding \$1200.00 per month for such service. The governing body, board or municipal corporation may, at any time it deems best, dispense with the mayor's service as superintendent.

“(d) The provisions of this section shall be curative and retroactive, and any employment of any mayor as superintendent of any such utility or utilities heretofore made by any such governing body, board or municipal corporation, and any such salary heretofore paid to any mayor by any such governing body, board or municipal corporation for his services as superintendent of such system or systems, is hereby validated.”

**Section 2.** This act shall become effective on the first day of the second month after its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 8, 1982

Time: 3:00 P.M.



Act No. 82-766

S. 54—Mr. Mitchem

## AN ACT

To amend Section 2-8-159, Code of Alabama 1975, relating to a referendum held by egg producers assessing monies to be used for poultry promotion; to limit the amount of assessment to not more than 2 1/2¢ per hen.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 2-8-159, Code of Alabama 1975, is hereby amended to read as follows:

“§ 2-8-159. Two-thirds vote required for approval of assessment, canvass of results; amount of assessment.

If any referendum held under the provisions of this article two thirds or more of the egg producers in the area in which the referendum is conducted, eligible to participate and voting therein, shall vote in the affirmative and in favor of the levying and collection of the assessment proposed in such referendum, then such assessment shall be levied and collected in the manner provided in this article. Two thirds or more of the eligible voters who actually vote in the referendum shall be the number required for the levying of assessments for a promotional program as authorized under this article. Following the referendum and within 10 days thereafter, the certified association shall canvass, tabulate and publicly declare and announce the results thereof. The amount of the assessment levied under this article shall not exceed the amount authorized to be assessed for promotion of poultry and poultry products as set out in the Constitution of Alabama 1901.

**Section 2.** This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved July 8, 1982

Time: 3:00 P.M.

Act No. 82-767

S. 55—Mr. Harrison

## AN ACT

To provide certain additional powers and make provisions with respect to authorities organized pursuant to Chapter 88 of Title 11 of the CODE OF ALABAMA 1975, and the counties that make findings with respect to the organization of such authorities, including the power to invest moneys of such an authority and apply or assign the

income therefrom, to sell or lease all or any part of its systems or grant options to purchase with respect thereto, to loan or advance its moneys to finance the construction of a system or a part thereof, to exempt any system or facility leased or subleased to or operated or managed by any determining county, whether the lease or sublease be by such an authority or any private party, from all state, county and other taxes, including ad valorem taxes, regardless of the entity that shall hold legal title to such system or facility or any remainder or reversionary interest therein, to exempt any transaction to which any such authority or a determining county is a party from any tax levied pursuant to Article 4 of Chapter 12 of Title 40 of the CODE OF ALABAMA 1975, to make certain provisions with respect to rendition of service to citizens of municipalities where no franchise has been granted, to authorize the issuance of temporary obligations by such an authority, to permit such counties to lease or sublease property from such an authority or its vendee or subleasee or lessee, and to manage and operate the same, and to provide that the provisions of this act are severable.

*Be It Enacted by the Legislature of Alabama:*

1. Any authority organized or operating pursuant to Chapter 88 of Title 11 of the CODE OF ALABAMA 1975 (herein called an "Authority") shall, in addition to all other powers now or hereafter granted by law, have the following powers and rights:

(a) To borrow money for temporary use for any of its corporate purposes and, in evidence of such borrowing, to issue from time to time revenue bonds or notes maturing not later than 36 months from the date of issuance. Any such temporary borrowing may be made in anticipation of the sale and issuance of long-term revenue bonds, and in such event, the principal proceeds from the sale of such long-term revenue bonds shall, to the extent necessary, be used for payment of the principal of and the interest on the temporary revenue bonds or notes issued in anticipation of the sale and issuance of such long-term revenue bonds. Any such temporary borrowing may also be made with respect to a project simultaneously with or after the sale and issuance of long-term revenue bonds issued with respect to such project if, under the terms of the proceedings under which such long-term revenue bonds are issued, the proceeds therefrom or any part thereof may not be used or released until completion of the project with respect to which issued or other similar contingency. In such case, the principal proceeds from the long-term revenue bonds shall, when released and to the extent necessary, be applied for payment of the temporary bonds or notes. Any temporary bonds or notes issued pursuant to this paragraph may be refunded or renewed or extended for an additional period of not more than 36 months from the date of maturity of the temporary bonds or notes being refunded or renewed or extended, but otherwise pursuant to all of the terms and conditions of this paragraph, whether or not the project with respect to which the outstanding temporary revenue bonds or notes were issued has been completed.

(b) To sell, transfer, convey, grant options to purchase, or lease all or any part of its system or systems for such consideration and

on such terms as it shall deem advisable and in the best interest of the Authority.

(c) To consent and agree to the assignment or payment of any income received from the investment of any moneys or funds of the Authority or representing the proceeds of its bonds or notes to any other public corporation or public entity, including, without limitation, the determining county (as defined in Section 11-88-1 of the CODE OF ALABAMA 1975) or the State of Alabama.

(d) To loan or advance its funds, including the proceeds of its bonds, to any person (as defined in Section 11-88-1 of the CODE OF ALABAMA 1975) at such, if any, interest as it shall determine, for the purpose of financing the construction of a system or any part thereof.

(e) To contract with others for the construction of all or any part of a system or systems or any part thereof.

2. The proceeds of any bonds issued by an Authority and moneys held in any special fund established by an Authority in connection with the issuance of any of its bonds may be invested in any direct obligations of the United States of America, the obligations of any agency of the United States of America, interest bearing bank deposits, or in any securities the payment of the principal of and interest on which is fully secured by direct obligations of the United States of America.

3. An Authority shall be under no obligation to render service to the citizens of any municipality which shall not have granted the Authority and those claiming under it a franchise for any system of the Authority within such municipality without payment of any fee, charge or cost other than the cost of publication of the ordinance granting the franchise.

4. Any transaction to which an Authority or a determining county (as defined in Section 11-88-1 of the CODE OF ALABAMA 1975) is a party shall be exempt from any tax levied pursuant to Article 4 of Chapter 12 of Title 40 of the CODE OF ALABAMA 1975 or any tax levied in substitution therefor or in lieu thereof.

5. Any water system, sewer system or fire protection facility or any part thereof leased or subleased to, or operated or managed by, any determining county (as defined in Section 11-88-1 of the CODE OF ALABAMA 1975), whether the lease or sublease be by the Authority or any private party, including without limitation corporations or partnerships, shall be exempt from all state, county and other taxes, including without limitation ad valorem taxes, regardless of the entity that shall hold the legal title to such system or facility or any part thereof or any remainder or reversionary interest therein.

6. Any determining county (as defined in Section 11-88-1 of the CODE OF ALABAMA 1975) may acquire by lease or sublease any property comprising all or any part of a water system, sewer system or fire protection facility from an Authority or from any vendee or lessee or sublessee of an Authority, or may manage or operate the same, having all rights of an Authority with respect thereto.

7. The provisions of this Act are separable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

8. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved July 8, 1982

Time: 3:00 P.M.

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Act No. 82-768

S. 57—Mr. Mitchem

### AN ACT

To amend Sections 2-8-161, 2-8-170 and 2-8-171, Code of Alabama 1975, relating to the promotion of eggs and egg products, so as to require sellers of hens to collect and remit an assessment upon the sale of hens; to provide penalties to be imposed against sellers for failure or refusal to collect and remit assessments and to have their books examined; to provide for the issuance of permits to sellers of hens.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 2-8-161, Code of Alabama 1975, is hereby amended to read as follows:

“§ 2-8-161. Collection of assessment; deductions for expenses.

In the event the required number of egg producers approve, by a referendum as provided in this article, the levying of an assessment upon the sale of hens for a promotional program, the commissioner of agriculture and industries shall, within 30 days, notify in writing every person engaged in the business of selling hens for the purpose of dressing, processing or reselling to processors, whether said buyers are located within the state of Alabama or not, that on or after the date designated in such notice, which shall not be less than 30 nor more than 60 days after the mailing of such notice by the commissioner of agriculture and industries, that the amount of the assessment levied pursuant to the referendum shall be added by all such sellers of hens to the sale price thereof where such hens are purchased within the area covered by the referendum where such hens are sold

for commercial processing or where such hens are to be resold for that purpose. On or before the tenth day of each calendar month, all assessments so added by such seller shall be remitted to the commissioner of agriculture and industries, by the seller. The books and records of all such sellers of hens subject to the assessment as levied under this article shall at all times during regular business hours be open for inspection by the commissioner of agriculture and industries or his duly authorized representatives or agents for the purpose of ascertaining the accuracy of amounts remitted under this article. The commissioner of agriculture and industries shall be entitled to deduct three per cent of all sums remitted to the department of agriculture and industries under this article to defray expenses incident to collection and administration thereof. The amount thus deducted by the commissioner for expenses incident to the administration of this article shall be paid into the state treasury to the credit of the agricultural fund.

**Section 2.** Section 2-8-170, Code of Alabama 1975, is hereby amended to read as follows:

§ 2-8-170. Permit required of sellers of hens.

Any individual, partnership, corporation, association or other business unit which sells hens in Alabama shall, in the event assessments are required to be added to the purchase price of such hens under the provisions of this article, obtain from the commissioner of agriculture and industries a permit which shall authorize such individual or business firm to engage in business in Alabama. The permit shall be valid and effective for an indefinite period unless revoked by the commissioner for failure to comply with the provisions of this article. The application for a permit shall be accompanied by a fee of \$10.00 which shall be deposited in the state treasury to the credit of the agricultural fund. The permit shall be conditioned upon compliance with the provisions of this article and rules and regulations duly adopted for carrying out the requirements of this article relative to the remittance of assessments by individuals or business firms selling hens in Alabama, whether such individuals or business firms are domiciled in Alabama or another state. The Board of Agriculture and Industries under Section 2-8-167, is empowered to exempt, by rules and regulations, sellers of hens from the permit requirements of this Section when the Board determines that insufficient hens are being sold by the seller.

**Section 3.** Section 2-8-171, Code of Alabama 1975, is hereby amended to read as follows:

§ 2-8-171. Penalty; inspection of books and records.

Any seller of hens who willfully fails or refuses to pay to the commissioner of agriculture and industries any assessment required to be so remitted to the commissioner shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount equal to three times the amount of the assessment he failed or refused to remit as required under this article. The amount of any fine under this section shall be remitted to the commissioner of agriculture and industries and shall be forthwith transferred by the commissioner to the account of the certified association entitled thereto. Any seller of hens who fails or refuses to allow the commissioner of agriculture and industries or his authorized agents and employees to inspect and review his books and records for the purpose of ascertaining the accuracy of amounts added and remitted as required under this article or any seller of hens who sells hens in Alabama without having a permit as required under Section 2-8-170 unless exempt by regulation shall be guilty of a misdemeanor and punished as now prescribed by law for such an offense.

**Section 4.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved July 8, 1982

Time: 3:00 P.M.

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Act No. 82-769

S. 78—Mr. Gulledge

### AN ACT

To make a conditional appropriation to the Foreign Trade Relations Commission for the fiscal year ending September 30, 1983.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** In addition to all other appropriations heretofore or hereafter made (including the appropriations made in Act No. 82-569 enacted at the 1982 Regular Session of the Legislature) there is hereby appropriated to the Foreign Trade Relations Commission the amount of \$100,000 to be conditioned upon the availability of funds in the State General Fund and upon approval of the Governor for the fiscal year ending September 30, 1983.

**Section 2.** This act shall become effective on October 1, 1982.

Approved July 8, 1982

Time: 3:00 P.M.

Act No. 82-770

S. 81—Mr. Smith

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AN ACT

To amend Sections 22-21-260 through 22-21-270 relating to the control and regulation of development of certain health care facilities; changing the designated agency from the State Board of Health to the State Health Planning and Development Agency and identifying composition thereof; removing from law the designated health system agency; makes changes in the State Health Plan by removing from law the State Medical Facilities Plan; raises the thresholds for expenditures; restricts use of tax money for advertising; raises the cost of filing for a Certificate of Need; changes the period of validation. This law effective upon passage.

*Be It Enacted by the Legislature.*

**Section 1. Definitions.**

As used in this article, the following words and terms, and the plurals thereof, shall have the meanings ascribed to them in this section, unless otherwise required by their respective context:

(1) **STATE HEALTH PLANNING AND DEVELOPMENT AGENCY (SHPDA).** An agency of the State of Alabama which is designated by the Governor as the sole state health planning and development agency, which shall consist of three consumers, three providers and three representatives of the Governor who all shall serve staggered terms and all be appointed by the Governor. Where used in this act, the terms, "state agency," and "SHPDA", shall be synonymous and may be used interchangeably.

(2) **STATEWIDE HEALTH COORDINATING COUNCIL.** A council, appointed by the Governor, established pursuant to the provisions of Title XV, section 1524, of the Public Health Service Act (42 USC 200m 3) and sections 22-4-7 and 22-4-8 of this Code to advise the state health planning and development agency on matters relating to health planning and resource development and to perform such other functions as may be delegated to it.

(3) **HEALTH SERVICE AREA.** A geographical area designated by the governor, as being appropriate for effective planning and development of health services.

(4) **STATE HEALTH PLAN.** A comprehensive plan which is prepared triennially and reviewed at least annually and revised as necessary by the statewide health coordinating council, with the assistance of the state health planning and development agency, and approved by the Governor.

The state health plan shall provide for the development of health programs and resources to assure that quality health services will be

available and accessible in a manner which assures continuity of care, at reasonable costs, for all residents of the state.

(5) **HEALTH CARE FACILITY.** Such term shall include: General and specialized hospitals, including tuberculosis, psychiatric, long-term care and other types of hospitals, and related facilities such as laboratories, outpatient clinics and central service facilities operated in connection with hospitals; skilled nursing facilities; intermediate care facilities; rehabilitation centers; public health centers; facilities for surgical treatment of patients not requiring hospitalization; kidney disease treatment centers, including free-standing hemodialysis units; community mental health centers and related facilities; facilities for the developmentally disabled; home health agencies; and health maintenance organizations. The term "health care facility" shall not include the offices of private physicians or dentists, whether for individual or group practice and regardless of ownership, or Christian Science sanatoriums operated or listed and certified by the First Church of Christ, Scientist, Boston, Massachusetts.

(6) **HEALTH SERVICES.** Clinically related (i.e., diagnostic, curative or rehabilitative) services, including alcohol, drug abuse and mental health services customarily furnished on either an inpatient or outpatient basis by health care facilities, but not including the lawful practice of any profession or vocation conducted independently of a health care facility and in accordance with applicable licensing laws of this state.

(7) **CAPITAL EXPENDITURE.** An expenditure, including a force account expenditure (i.e., an expenditure for a construction project undertaken by the facility as its own contractor), which, under generally accepted accounting principles, is not properly chargeable as an expense of operation and maintenance and which

a. Exceeds \$200,000 (indexed) for major medical equipment: \$200,000 (indexed) for new annual operating costs: \$600,000 (indexed) for any other capital expenditure;

b. Changes the bed capacity of the facility with respect to which such expenditure is made; or

c. Substantially changes the health services of the facility with respect to which such expenditure is made.

(8) **PERSON.** Any person, firm, partnership, association, joint venture or corporation, the state of Alabama and its political subdivisions or parts thereof and any agencies or instrumentalities and any combination of persons herein specified, but "person" shall not include the United States or any agency or instrumentality thereof, except in the case of voluntary submission to the regulation established by this article.



(9) **APPLICANT.** Any person, as defined in this section, who files an application for a certificate of need.

(10) **ACQUISITION.** Such term shall mean and include obtaining the legal equitable title to a freehold or leasehold estate or otherwise obtaining the substantial benefit of such titles or estates, whether by purchase, lease, loan or sufferance, gift, devise, legacy, settlement of a trust or means whatever, and shall include any act of acquisition. The term "acquisition" shall not mean or include any conveyance, or creation of any lien or security interest by mortgage, deed of trust, security agreement or similar financing instrument, nor shall it mean or include any transfer of title or rights as a result of the foreclosure, or conveyance or transfer in lieu of the foreclosure, of any such mortgage, deed of trust, security agreement or similar financing instrument nor shall it mean or include any gift, devise, legacy, settlement of trust, or other transfer of the legal or equitable title of an interest specified hereinabove by a natural person to any member of such person's immediate family. For the purposes of this section "immediate family" shall mean the spouse of the grantor or transferor and any other person related to the grantor or transferor to the 4th degree of kindred as such degrees are computed according to law.

(11) **CONSTRUCTION.** Such term shall mean and include actual commencement, with bona fide intention of completing the same, or completion of the construction, erection, remodeling, relocation, excavation or fabrication of any real property constituting a facility under this article, and the term "construct" shall mean and include any act of construction. "Ground breaking ceremony," "receipt of bids," "receipt of quotation" or similar action that will permit unilateral termination without penalty shall not be considered "construction."

(12) **FIRM COMMITMENT OR OBLIGATION.** Such terms shall mean and include:

a. Any executed, enforceable, unconditional written agreement or contract not subject to unilateral cancellation for the acquisition or construction of a health care facility or purchase of equipment therefor;

b. Actual construction of facilities peculiarly adapted to the furnishing of one or more particular services and with the bona fide intention of furnishing such service or services; and

c. Any executed, unconditional written agreement not subject to unilateral cancellation for the bona fide purpose of furnishing one or more services.

(13) **INSTITUTIONAL HEALTH SERVICES.** Health services provided in or through health care facilities or health maintenance organizations, including the entities in or through which such services are provided.

(14) **MODERNIZATION.** The alteration, repair, remodeling, replacement and renovation of existing buildings including initial equipment thereof and the replacement of equipment of existing buildings.

(15) **TO OFFER.** Such term, when used in connection with health services, means that the health care facility or health maintenance organization holds itself out as capable of providing or as having the means for the provision of, specified health services.

## **Section 2. LEGISLATIVE FINDINGS: PURPOSE OF ARTICLE.**

The legislature of the state of Alabama declares that it is the public policy of the state of Alabama that a certificate of need program be administered in the state to assure that only those health care services and facilities found to be in the public interest shall be offered or developed in the state. It is the purpose of the legislature in enacting this article to prevent the construction of unnecessary and inappropriate health care facilities through a system of mandatory reviews of new institutional health services, as the same are defined in this article.

## **Section 3. NEW INSTITUTIONAL HEALTH SERVICES SUBJECT TO REVIEW.**

(a) All new institutional health services which are subject to this article and which are proposed to be offered or developed within the state shall be subject to review under this article. For the purposes of this article, "new institutional health services" shall include:

(1) The construction, development, acquisition through lease or purchase or other establishment of a new health care facility or health maintenance organization; or

(2) Any expenditure by or on behalf of a health care facility or health maintenance organization which, under generally accepted accounting principles consistently applied, is a capital expenditure in excess of \$200,000.00 (indexed) for major medical equipment; in excess of \$200,000.00 (indexed) for new annual operating costs; in excess of \$600,000.00 (indexed) for any other capital expenditure by or on behalf of a health care facility or a health maintenance organization; or

(3) A change in the existing bed capacity of a health care facility or health maintenance organization through the addition, or conver-

sion of one or more beds, or the relocation of one or more beds from one physical facility to another; or

(4) Health services which are offered in or through a health care facility or health maintenance organization, and which were not offered on a regular basis in or through such health care facility or health maintenance organization within the 12 month period prior to the time such services would be offered.

(b) The four conditions of "new institutional health services" listed in this section shall be mutually exclusive.

**Section 4.** The SHPDA, pursuant to the provisions of section 22-21-274, shall prescribe by rules and regulations the criteria and clarifying definitions for reviews covered by this article. These criteria shall include at least the following:

(1) Determination that the proposed new institutional health service or facility is consistent with one or more of the appropriate state health facility and services plans effective at the time the application was received by the state agency, which shall include the latest approved revisions of the following plans:

- a. Alabama state health plan.
- b. Alabama state plan for services to the mentally ill.
- c. Alabama state plan for rehabilitation facilities.
- d. Alabama developmental disabilities plan.
- e. Alabama state alcoholism plan.

f. Such other state plans as may from time to time be required by state or federal statute.

(2) The relationship of services reviewed to the long-range development plan (if any) of the person providing or proposing such services.

(3) The availability of alternative, less costly or more effective methods of providing such services.

(4) Determination of a substantially unmet public requirement for the proposed health care facility, service or capital expenditure that is consistent with orderly planning within the state and the community for furnishing comprehensive health care, such determination to be established on the merits of the proposal after given appropriate consideration to:

- a. Financial feasibility of the proposed change in service of facility;

b. Specific data supporting the demonstration of need for the proposed change in facility or service shall be reasonable, relevant and appropriate;

c. Evidence of evaluation and consistency of the proposed change in facility or service with the facility's and the community's overall health and health-related plans;

d. Evidence of consistency of the proposal with the need to meet nonpatient care objectives of the facility such as teaching and research;

e. Evidence of review of the proposed facility, service or capital expenditure when appropriate and requested by other state agencies;

f. Evidence of the locational appropriateness of the proposed facility or service such as transportation accessibility, manpower availability, local zoning, environmental health, etc.;

g. Reasonable potential of the facility to meet licensure standards.

h. Reasonable consideration shall be given to medical facilities involved in medical education.

(5) Determination that the person applying is an appropriate applicant, or the most appropriate applicant in the event of duplicative applications, for providing the proposed health care facility or service, such determination to be established from the evidence as to the ability of the person, directly or indirectly, to render adequate service to the public, including affirmative evidence as to the following:

a. Professional capability of the facility proposing the capital expenditure;

b. Management capability of the facility proposing the capital expenditure;

c. Adequate manpower to enable the facility to offer the proposed service;

d. Evidence of the existence of the applicant's long-range planning program and an ongoing planning process;

e. Evidence of existing and ongoing monitoring of utilization and the fulfilling of unmet or undermet health needs in the case of expansion;

f. Evidence of communication with all planning, regulatory, utility agencies and organizations that influence the facility's destiny.

(6) Consideration of the special needs and circumstances of those entities which provide a substantial portion of their services or resources, or both, to individuals not residing in the health service area in which the entities are located or in adjacent health service areas.

(7) The special needs and circumstances of health maintenance organizations.

(8) In case of a construction project, consideration shall be given to:

a. The costs and methods of the proposed construction including the costs and methods of energy provision, and

b. The probable impact of the construction project reviewed on the costs of providing health services.

#### **Section 5. CERTIFICATES OF NEED – REQUIRED FOR NEW INSTITUTIONAL HEALTH SERVICE.**

(a) On or after July 30, 1979, no person to which this article applies shall acquire, construct or operate a new institutional health service, as defined in this article, or furnish or offer, or purport to furnish a new institutional health service, as defined in this article, or make an arrangement or commitment for financing the offering of a new institutional health service, unless such person shall first obtain from the SHPDA a certificate of need therefor.

(b) Notwithstanding the provisions of subsection (a) of this section, any person who, on July 30, 1979, holds a valid assurance of need issued pursuant to section 1122 of the Social Security Act, shall be entitled to be issued a certificate of need for the facility or service described on the application for the assurance of need. Application for a certificate of need under this subsection shall be filed within 90 days after July 30, 1979. Certificates of need issued under this subsection shall be subject to section 22-21-270.

#### **Section 6. SAME – REQUIRED FINDINGS FOR IN-PATIENT FACILITIES.**

No certificate of need for new in-patient facilities or services shall be issued unless the SHPDA makes each of the following findings:

(1) That the proposed facility or service is consistent with the latest approved revision of the appropriate state plan effective at the time the application was received by the state agency;

(2) That less costly, more efficient or more appropriate alternatives to such in-patient service are not available, and that the development of such alternatives has been studied and found not practicable;

(3) That existing in-patient facilities providing in-patient services similar to those proposed are being used in an appropriate and efficient manner consistent with community demands for services;

(4) That in the case of new construction, alternatives to new construction (e.g., modernization and sharing arrangement) have been considered and have been implemented to the maximum extent practicable; and

(5) That patients will experience serious problems in obtaining in-patient care of the type proposed in the absence of the proposed new service.

**Section 7. SAME – APPLICATION FOR CERTIFICATE OR MODIFICATION THERETO AND EXTENSIONS THEREOF.**

Any application for a certificate of need under section 22-21-265, for a modification thereto or for an extension thereof shall be made in written form and shall include such information and supporting data relevant to the merits of the application as may be prescribed by the approved rules and regulations of the SHPDA. The application shall be filed with the SHPDA not less than 90 days prior to the date of the proposed obligation for the capital expenditure or the inauguration of the proposed service.

**Section 8. SAME – EMERGENCY CERTIFICATE PRIOR TO HEARING.**

Any person may apply, either independently and without notice under section 22-21-267 or as a part of an application filed under section 22-21-267, for an emergency certificate of need for the authorization of capital expenditures made necessary by unforeseen events which endanger the health and safety of the patients. Emergency capital expenditures include, but are not necessarily limited to, emergency expenditures to maintain quality care, to overcome failure of fixed equipment, including heating and air conditioning equipment, elevators, electrical transformers and switch gear, sterilization equipment, emergency generators, water supply and other utility connections. Applications for emergency certificates of need shall include a description of the work to be done and/or equipment to be purchased, the costs thereof, justification for considering the capital expenditure as being of an emergency nature and such other information as the SHPDA may require. Emergency certificates of need issued hereunder shall be subject to such special limitations and restrictions as the duration and right of extension or renewal as may be prescribed in the rules and regulations adopted by the SHPDA.

**Section 9. – CERTIFICATE OF NEED FOR PLANNING.**

A certificate of need for planning shall be required when the cost of planning, predevelopmental and developmental activities, including studies, surveys, designs, feasibility reports, working drawings, specifications and other activities essential to the acquisition, improvement, expansion or replacement of the physical plant or equipment with respect to which such expenditures are made if the proposed expenditure for such planning, predevelopmental and developmental activities will exceed \$300,000.00. A certificate of need for planning shall be limited to the planning, predevelopmental and developmental activities and shall not include approval for actual construction, purchase of equipment and acquisition of the proposed facility or service. No tax funds as a result of this planning certificate of need can be used for any activities relating to advertising or promotion of persuading the public to aid or defeat the acquisition or relocation of a medical facility. Issuance of a certificate of need for planning shall not be construed as binding upon the SHPDA for issuance of a certificate of need for the proposed new institutional health service.

**Section 10. SAME – PERIOD FOR WHICH VALID; EXTENSION OF TIME; TERMINATION; NONTRANSFERABLE.**

(a) A certificate of need issued under subsection (a) of section 22-21-265 and sections 22-21-268 shall be valid for a period not to exceed 12 months and may be subject to one extension not to exceed twelve months, provided the criteria for extension as set forth in the rules and regulations of the SHPDA are met. If no obligation has occurred within such period, the certificate of need shall be considered terminated and shall be null and void. Should the obligation be incurred within such valid period, the certificate of need shall be continued in effect for a period not to exceed one year or the completion of the construction project, whichever shall be later, or the inauguration of the service or the actual purchase of equipment.

(b) Failure to commence the construction project within the time period stated in the construction contract or to complete the construction project within the time period specified, shall render the certificate of need null and void. However, the SHPDA may continue the certificate of need in force if it can be shown that the construction work has not ceased or otherwise been stopped for a period not to exceed two consecutive months during the specified construction period for causes beyond the control of the applicant.

(c) Applicants who held valid certificates of need which were terminated under this section may file a new application for a certificate pursuant to and subject to the provisions of this article.

(d) Upon completion of the construction and issuance of a certificate of completion or the receipt of proof of purchase of equipment, the certificate of need shall be continued in force and effect.

(e) A certificate of need shall not be transferable, assignable, or convertible and shall be valid solely to the person and purpose named thereon.

**Section 11. SAME — APPLICATION FEES: APPROPRIATION OF FUNDS: DISPOSITION OF FEES.**

(a) Each application for a certificate of need shall be accompanied by a fee of one half of one percent of the estimated cost of the proposed cost of the new institutional health service, or a maximum of \$4,000.00 per application. Fees shall be used for the purpose of defraying the lawful operating expense of the certificate of need program conducted by the SHPDA and of the state health coordinating council.

(b) Application fees collected for issuance of a certificate of need for planning shall be deducted from the fee required for the certificate of need for the actual construction work planned as a result of the certificate of need for planning.

(c) There is hereby authorized to be appropriated from the general funds of the state of Alabama such amounts as may be necessary from time to time to defray the costs of administering this article over and above such fees as may be collected under this section.

(d) Application fees collected under this article shall not be refundable. Fees collected under this article are hereby appropriated for the purposes stated in this article.

(e) All fees collected under this article shall be retained in a separate fund for the purpose of enforcing and administering this article, and shall be disbursed as other funds of the state are disbursed.

**Section 12. ADOPTION AND PUBLIC NOTICE OF REVIEW PROCEDURES AND CRITERIA.**

The SHPDA, with the advice and consultation of the statewide health coordinating council, shall prescribe by rules and regulations the review criteria and review procedures required by this article. Said review criteria and review procedures shall be consistent with the provisions of this article and with appropriate federal regulations. Prior to the adoption of rules and regulations, the SHPDA shall give wide publicity to the proposed rules and regulations and shall conduct a public hearing following legal notice of not less than 30 days. The public hearing shall be held in the city of Montgomery, Alabama. Prior to advertising the public hearing, the SHPDA shall submit the proposed rules and regulations to the statewide health coordinating council and other interested agencies. Future revisions of the rules and regulations shall be made as required in this section for the original rules and regulations and in accordance with the Administrative Procedures Act.



**Section 13. PROCEDURES FOR REVIEW OF APPLICATIONS FOR CERTIFICATES OF NEED.**

The SHPDA, pursuant to the provisions of section 22-21-274, shall prescribe by rules and regulations the procedures for review of applications for certificates of need and for issuance of certificates of need. Rules and regulations governing review procedures shall include, but not necessarily be limited to, the following:

(1) Agreement with other review agencies for review procedures consistent with this article and federal regulations.

(2) Application procedures and forms of the application necessary to elicit and provide all necessary information as required by that review criteria.

(3) Establishment of a project review period of 90 days from the date the state agency determines that the application is complete and notification thereof is made to the applicant. The rules and regulations may provide for a period of not more than 15 days for determination of the completeness of the application, notification of the beginning and termination dates of the project review period and criteria for determining by the state agency of an extension of the project review period not to exceed 30 days with or without the consent of the applicant. An extension of the review period without limitation may be made with the written consent of the applicant. All reviews must be completed prior to the termination of the review period. If the state agency does not make a decision within the period of time specified for state agency review, the proposal shall be deemed to have been found not to be needed.

(4) Provision for a "nonsubstantive" review which shall be a modified review applicable to proposals for capital expenditures up to \$500,000.00 and which:

- a. Do not result in a substantial change in a service; or
- b. Propose equipment to up-grade or expand an existing service;

or

c. Increase the bed capacity by not more than 10 percent of the existing bed capacity; provided, that such increase in bed capacity is consistent with the state health plan.

(5) Public notification of receipt of application, review periods, public hearings, decisions of the state agency, fair hearings if requested and final decisions regarding a certificate of need.

(6) Public hearings on the application for the certificate of need. The SHPDA shall make provisions for a public hearing in the course

of agency review if requested by one or more persons directly affected by the review.

(7) Schedule for reviews to include hearings before the review agencies, beginning and ending of review periods and time of the review period as provided in this section.

(8) Provision of the applicant to submit such information that he may deem advisable in justification of the application over and above the minimum information required by this article and the regulations adopted hereunder.

(9) Provisions for periodic reports by the health provider or applicant respecting the development of the proposal subject to review and for which a certificate of need is issued.

(10) Provisions for written findings, as appropriate, which the state used as the basis for its decision or any recommendation of the state agency. Such findings and recommendations shall be provided to the applicant and available to other interested persons upon request and upon payment of a reasonable fee to cover actual costs of reproduction and handling.

(11) Notification upon request of providers of health services and other persons subject to review of findings, recommendations and decisions made under this article.

(12) Provision for a public hearing upon written request and for good cause by any person for the reconsideration of a decision by the SHPDA. Request for a public hearing shall be made in writing not more than 30 days subsequent to the date of the decision and shall have the effect of holding in abeyance the final decision subject to the outcome of the public hearing.

(13) Provision that no decision of the SHPDA under this article shall be deemed final until 31 days following the date of the decision.

(14) Provisions that any adverse decision may be appealed to an agency of the state (other than the SHPDA) designated by the governor. The appeal proceedings shall be conducted pursuant to the requirements of the state of Alabama, regulations adopted under this article and federal regulations. Request for a fair hearing by the applicant shall be made within 30 days of the decision by the state agency and shall have the effect of holding in abeyance the decision subject to the outcome of the fair hearing. The decision of the appeals agency shall be considered the final decision of the state agency; provided, that the applicant may appeal the decision to the circuit court of the county in which the applicant resides or of the county in which the applicant is situated.

(15) Preparation and publication, at least annually, of reports by the state agency to the review being conducted, decision reached, certificates issued and status of proposals.

(16) Access by the general public to applications reviewed by the SHPDA and to other written material pertinent to the review.

(17) Provisions for letters of intent in the case of construction projects by persons proposing such projects. Letters of intent shall be in such detail as the SHPDA may direct by regulations. Letters of intent shall not substitute for the formal application for a certificate of need as provided in this article.

(18) Provision that the review procedure may vary according to the purpose for which a particular review is being conducted and/or the nature and type of service or expenditure proposed.

**Section 14. INJUNCTIVE RELIEF; ISSUANCE OF LICENSE FOR IN-PATIENT BEDS OR FACILITIES IN VIOLATION OF ARTICLE PROHIBITED; FACILITIES IN VIOLATION OF ARTICLE NOT TO RECEIVE REIMBURSEMENT FOR SERVICES.**

(a) Injunctive relief against violations of this article or any reasonable rules and regulations of the SHPDA may be obtained from the circuit court of Montgomery County, Alabama, at the instance of the SHPDA, any holder of a certificate of need that is adversely affected in the exercise of privileges thereunder by such violation or any member of the public directly and adversely affected by such violation. Upon written request by the SHPDA, it shall be the duty of the attorney general of the state of Alabama to furnish such legal services as may be appropriate and to prosecute such action for injunctive relief to an appropriate conclusion.

(b) The state board of health shall not issue a license to operate new in-patient beds or any health care facility constructed, or acquired in violation of this article and without a certificate of need issued pursuant to this article.

(c) Any facility or service provided or constructed in violation of this article and without a certificate of need shall not receive reimbursement for services rendered by the health care facility or for the service provided by the facility which is provided in violation of said article without a certificate of need. This provision applies to all reimbursement programs administered by the state of Alabama. Recommendations will be made to other reimbursing agencies that reimbursement be denied.

**Section 15. ARTICLE CUMULATIVE; CONFLICTING LAWS.**

The provisions of this article are cumulative and, insofar as possible, they shall be construed in *pari materia* with other laws relating to public health. Nevertheless, all laws or parts of laws which conflict with this article are repealed.

**Section 16.** All laws or parts of laws which conflict with this act are hereby repealed.

**Section 17.** The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 18.** This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved July 8, 1982

Time: 3:00 P.M.

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Act No. 82-771

S. 93—Mr. Cook

### AN ACT

To create the Shelby County Planning Commission; to provide for the organization membership, powers, personnel, jurisdiction, and financial and legal status of such commission; to authorize the Commission to make subdivision regulations, a master plan, and to adopt zoning regulations for the development of Shelby County; to provide for an election in each beat prior to the application of such authority of the Commission in each beat; to grant the Commission power to zone certain areas within the county and provide a procedure for the amendment of zoning regulations; to prohibit zoning regulations from being retroactive; to provide remedies for the enforcement of the provisions of this act; to provide exceptions to such zoning regulations and for appeals from the decisions of the Commission; and to provide for the ratification, approval, validation and confirmation of Act No. 816 approved September 2, 1965 and all actions taken by the Shelby County Planning Commission, officials of Shelby County, and the electors of Shelby County, or any beat therein, as of the date they were taken.

#### *Be It Enacted by the Legislature of Alabama:*

**Section 1.** Creation of County Planning Commission. There is hereby created a Planning Commission for Shelby County, Alabama which Commission shall be appointed as herein provided and shall have responsibilities and duties as are stated herein. The Commission shall be known as the Shelby County Planning Commission. The term, "county governing body" when used herein shall refer to the Shelby County Commission or its successors.

**Section 2.** Personnel of the Shelby County Planning Commission. The Commission shall be composed of seven members, all of

whom shall be over the age of 25 years and each of whom shall be a qualified elector in and an actual resident of and a free-holder in Shelby County who resides outside the corporate limits of any municipality therein. Two of the members shall be appointed by the Shelby County Commission, two shall be appointed by the Shelby County Board of Education, two shall be appointed by the Shelby County Bar Association, and one shall be appointed by the Judge of the Circuit Court of Shelby County. Not over two members of the Commission shall come from any one beat of the County. Each member shall serve a term of six years and until his successor is duly appointed and qualified. Prior to taking office each member shall subscribe to an oath as provided by law for public officials and the same shall be recorded in the Probate Office of Shelby County. The original members of this Commission shall draw lots to determine the period of time each is to serve and the terms of two shall expire two years from the date of the organization of the Commission, the terms of two shall expire four years from the date of the organization of the Commission and the terms of three shall expire six years from the date of the organization of the Commission. In the event of a vacancy on the Commission the same shall be filled as in the case of the original appointment. All members shall serve without compensation, and the members shall hold no other county office. However, reasonable and necessary expenses of the members shall be paid from the General Fund of Shelby County.

**Section 3. Jurisdiction of Commission.** The jurisdiction of the Commission shall extend to all areas of the county outside the boundaries of municipal corporations; provided, however, that where a municipality now or in the future is authorized to exercise and does in fact exercise planning and zoning powers in any area outside its municipal boundaries, such areas shall be excluded from the jurisdiction of the county planning commission.

**Section 4. Organization and rules.** The Commission shall elect its chairman and create and fill such other offices as it may determine. The term of chairman shall be for one year, with eligibility for re-election. The commission shall normally hold at least one regular meeting each month. It shall adopt by-laws for the transaction of business and shall keep a record of its resolutions, transaction of business, which record shall be a public record. Five of the members shall constitute a quorum to transact the business of the Commission.

**Section 5. Staff and Finances.** The commission may appoint, promote, demote, and remove such employees as it deems necessary for its work. The Commission may also contract with county or city planners, engineers, architects, and other consultants and with any local, state, or federal agency for such services as it may require. The

commission may cooperate with and accept funds from Federal, state and local public or semi-public agencies, private individuals or corporations, and may expend such funds, and may carry out such cooperative undertakings and contracts for planning studies necessary in the performance of its duties. The expenditures of the Commission, exclusive of gifts, grants, or contract receipts, shall be within the amounts appropriated for the purpose by the county governing body.

**Section 6.** General Power and Duties of the Commission. It shall be the function and duty of the commission to make and maintain in an up-to-date manner a master plan and to adopt appropriate zoning regulations as provided by Section 10 hereof for the physical development of Shelby County; provided, however, that the Commission shall have no power, by the adoption of zoning regulations or otherwise, to limit or impair in any manner the use of land for mining, quarrying or otherwise extracting coal, limestone or other minerals located therein, or for processing or distribution of such minerals. Such plan and regulations with the accompanying maps, plats, charts, and descriptive material shall show the Commission's recommendations for the use and development of the territory of the said county. The zoning regulations shall also include a zoning plan for selected areas for the control of the height, area, bulk, location, and use of buildings and land. As the work of making the whole master plan and preparation of zoning regulations progresses, the Commission may from time to time adopt and publish a part or parts thereof, any such part to cover one or more major sections or divisions of the county. The commission may from time to time amend, extend, or add to the plan or regulations as hereinafter provided. Nothing in this act shall be construed to impair the right of eminent domain conferred on railroads and utilities, both public and private, or their right to construct, use and maintain structures reasonably required in the public service or their right to exercise authority conferred by statutes, franchises, certificates of convenience and necessity, licenses, easements or conveyances.

**Section 7.** Purposes in View. In the preparation of the master plan and zoning regulations, the commission shall make careful and comprehensive surveys and studies of the present conditions existing within the county with due regard to existing agricultural uses, to land by virtue of its fertility, proximity to water supplies, and other geographical features is particularly suited to agricultural uses, to neighboring municipalities, towns and villages, to the growth of subdivisions, to the general population growth of the county, and make adequate provision for traffic, recreational areas and industry, and other public requirements. The plan and zoning regulations should be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the county,

which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development, and should promote safety from fire, flood and other dangers, the healthful and convenient distribution of population, and the wise and efficient expenditure of public funds. The plan and regulations shall be a public record, but its purpose and effect shall be to aid the planning commission in the performance of its duties, including making recommendations to the county governing body and assisting cooperating with other federal, state and local agencies so as to achieve coordinated, adjusted, and harmonious development.

**Section 8.** Election to Determine if Beat is to be Covered by The Master Plan and Zoning Regulations. The master plan and zoning regulations provided by the Commission shall not be applicable in any beat of Shelby County until the majority of the qualified electors of the beat voting in a special election shall have signified by their vote that they desire the authority of the Commission, its master plan and the zoning regulations to apply to their beat. Such an election must be held not less than 30 nor more than 45 days after a petition is filed in the office of the judge of probate seeking such an election and signed by no less than 25 electors who vote in said beat and who also own an interest in real estate that is located in such beat. Notice of such election shall be given by three weeks publication and posting notice in two public places within the beat. The cost of conducting said election shall be paid from the General Fund of Shelby County. The ballot shall be so worded as to give the voter the opportunity to vote either "Yes" or "No" as to whether he wishes the authority of the Commission, its master plan and the zoning regulations to apply to such beat. Only those qualified electors outside of the boundaries of municipal corporations, or where a municipality now or in the future is authorized to exercise, and does, in fact, exercise planning and zoning powers in any area outside its municipal boundaries, or such areas excluded from the jurisdiction of the commission as set out in Section 3, shall be permitted to vote or sign a petition calling for election in the beat concerned and a statement to this fact shall be carried on the ballot and the petition or said ballot and petition shall not be valid.

**Section 9.** Subdivision Regulations. The Commission shall adopt a code of regulations applicable to the subdivision of land and plats of subdivisions shall not, after the adoption of such code of regulations, be accepted for filing and recording in the Probate Office until they have been approved in a manner to be designated by the Commission. The Commission is hereby authorized to provide a penalty not to exceed \$100 per lot to be paid by anyone who sub-divides

property and conveys lots therefrom without first having recorded the plat of such subdivision as is herein provided. The provisions of this section shall apply within the jurisdiction of the Commission as specified in Section 3.

**Section 10. Zoning; Grant of Power.** For the purpose of promoting the health, safety, morals, convenience, order, prosperity and general welfare of the County, the Commission is hereby empowered to divide the portion of the county within its zoning jurisdiction into districts of such number, shape and area as may be found best suited to carry out the purposes of this act, and to provide within such districts for standards relating to the use of the land and the types and kinds of structures that may be erected in such districts, excluding all buildings having a cost of under five hundred (500.00), and all home remodeling or modification in such districts. Such provision shall be made in accordance with a comprehensive plan and shall be designed to lessen congestion in the streets and highways; to secure safety from fire, flood, panic and other dangers; to provide health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue mixed use of land; to facilitate the adequate provision of transportation, water supply, sewerage, schools, parks and other public requirements. Such provision shall be made with reasonable consideration, among other things, of the character of the land and district and its peculiar suitability for particular uses and with a view of promoting desirable living conditions, sustaining the stability of neighborhoods, protecting property against blight and depreciation, securing economy in governmental expenditures, conserving the value of buildings; and encouraging the most appropriate use of land and of buildings and structures throughout the jurisdiction of the Commission. For the purpose of providing for the division of the territory into districts, consonant with the conditions provided in this section, the Commission may make a single zoning plan for all the territory of the area which lies within its jurisdiction or may make and certify separate and successive zoning plans for parts of such territory which it deems suitable for urban or suburban development or which for other reasons it deems to have appropriate territorial unity for a zoning plan; and correspondingly any zoning regulations enacted by the Commission may cover and include the whole territory lying within its jurisdiction or such territory as the commission deems to be appropriate territorial unit for a zoning plan.

**Section 11. Publication of Notice of Proposed Change in Zoning Regulations.** Once zoning regulations have become applicable to a beat as provided by Section 8 hereof, such regulations shall not be changed by the Commission until the proposed change has been published for three weeks in a newspaper of general circulation within the county together with a notice stating the time and place that the



change in regulations will be considered by the Commission, and stating further that at such time and place all persons who desire shall have an opportunity to be heard in favor of or in opposition to such change in such zoning regulations.

**Section 12.** Zoning Regulations Shall not be Retroactive. No zoning regulation adopted by the Commission shall change any use to which land is being made at the time such zoning regulations become applicable in any beat.

**Section 13.** Remedies. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, with the exception of those buildings or structures as excluded in Section 10, or any subdivision is established, or land used in violation of this enactment or of any regulation made under the authority conferred hereby, the county attorney, or other appropriate administrative officer of the Commission may institute any appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or subdivision of the land or use of the land to restrain, correct, or abate such violation, or to prevent the occupancy of any such building, structure, subdivision or land or to prevent any illegal act, conduct, business, or misuse in or upon any premises regulated under the authority conferred by this article.

**Section 14.** Exceptions to Zoning Regulations. The Commission may in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the zoning regulations in harmony with its general purposes and interests and in accordance with general or specific rules adopted by the Commission. Anyone wishing to appeal from an existing zoning regulation may file a written petition stating the basis for such appeal whereupon the Commission shall fix a date for such hearing, giving notice as to the Commission may seem appropriate, and on such hearing the Commission shall have the following powers: (1) to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Commission or official in the enforcement of this article of any regulation adopted pursuant thereto; (2) to hear and decide on requests for special exceptions to the term or provisions of the regulations upon which such Commission is required to pass; (3) to authorize upon appeal in special cases such variance from the yard, open space, land use, bulk and height requirements of the regulation as will not be contrary to the public interest, where, owing to special conditions of the building site or land, a literal enforcement of the provisions of the regulation will result in unnecessary hardship, all in order that the spirit of the regulations shall be observed and substantial justice done.

**Section 15.** Appeals. Any party aggrieved by any final judgment or decision of the Commission pursuant to the provisions of Section 14 may within 15 days thereafter appeal therefrom, which appeal shall rest upon the contention that such zoning regulations in question are unreasonable, discriminatory, unconstitutional, or otherwise invalid, and such appeal shall be addressed to the circuit court or other court having like jurisdiction within the county where the affected property of the aggrieved party is located, by filing with such Commission a written notice of appeal specifying the judgment or decision from which the appeal is taken. In case of such appeal the Commission shall cause a transcript of the proceedings in the cause to be certified to the court to which the appeal is taken.

**Section 16.** Anything to the contrary herein, notwithstanding: (1) Act No. 816 (H.952) creating the Shelby County Planning Commission; providing for the organization, membership, powers, personnel, jurisdiction, and financial and legal status of such commission; authorizing the Commission to make subdivision regulations, a master plan, and to adopt zoning regulations for the development of Shelby County; providing for an election in each beat prior to the application of such authority of the Commission in each beat; granting the Commission power to zone certain areas within the County and providing a procedure for the amendment of zoning regulations; prohibiting zoning regulations from being retroactive; providing remedies for the enforcement of the provisions of such act; and providing exceptions to such zoning regulations and for appeals from the decisions of the Commission approved September 2, 1965; and (2) all actions of any kind of the Shelby County Planning Commission, officials of Shelby County, or the electors of Shelby County, or any beat therein, taken under the color of authority of said Act No. 816 - are hereby in all things ratified, approved, validated and confirmed as of the date they were taken.

**Section 17.** Severability. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 18.** Effective Date. This Act shall become effective upon the signature of the Governor.

Approved July 8, 1982

Time: 3:00 P.M.

**CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE TO STUDY ALL ASPECTS OF THE TEACHERS' RETIREMENT SYSTEM AND THE STATE EMPLOYEES' RETIREMENT SYSTEM.**

BE IT RESOLVED BY THE ALABAMA SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That there is hereby created a joint interim legislative committee to study all aspects of the Teachers' Retirement System and State Employees' Retirement System. The committee shall study any and all alternatives to the Systems as they currently exist, including, but not limited to judicial contributions, state trooper contributions and increasing member contributions. The committee shall be provided with any actuarial data or information that it requires. The committee shall be composed of ten persons; the Chairman of the Senate Finance and Taxation Committee, Chairman of the Senate Education Committee, three members appointed by the President of the Senate, the Chairman of the House Ways and Means Committee, the Chairman of the House Education Committee, and three members appointed by the Speaker of the House of Representatives. The legislative members of the committee shall receive their regular legislative compensation to be paid from funds appropriated to the legislature. The total compensation paid to the members of this committee shall not exceed \$7,500.00. The final report of the committee, along with findings and recommendations shall be submitted to the legislature no later than the first legislative day of the next special or regular session. Upon the submission of the final report, the committee shall stand dissolved.

Approved July 8, 1982

Time: 3:00 P.M.

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Act No. 82-773

S.J.R. 35—Mr. Robertson

**SENATE JOINT RESOLUTION**

**PETITIONING THE CONGRESS OF THE UNITED STATES TO RESTORE THE WORK INCENTIVE PROGRAM TO A REASONABLE FUNDING LEVEL CONSISTENT WITH PROGRAM NEEDS AND RESPONSIBILITIES FOR HELPING RECIPIENTS OF AID TO DEPENDENT CHILDREN IN BECOMING PRODUCTIVE UNSUBSIDIZED WAGE EARNERS.**

WHEREAS, the national Work Incentive Program was established in 1967 under the provision of Title VI of the Social Security Act to assist recipients of Aid to Dependent Children in becoming productive wage earners; and

WHEREAS, the national Work Incentive Program has been the moving force in providing opportunities for ADC Recipients to move from welfare dependency to unsubsidized independence as job holders; and

WHEREAS, the national Work Incentive Program has become the primary agency for referral to employment and training programs designed to lead to unsubsidized employment as a replacement for welfare dependency; and

WHEREAS, every Alabamian deserves the opportunity to know the dignity of work as nothing contributes more to an individual's sense of pride and self-worth, and the Work Incentive Program is dedicated to nurturing the mutually rewarding partnership of business and labor with the mission to bridge the gap between welfare dependency and employment; and

WHEREAS, the Alabama Work Incentive Program assisted over 3,200 welfare recipients in becoming wage earning members of society in fiscal year 1981; and

WHEREAS, the Work Incentive Program has suffered budget reductions causing a decrease of over 33% in service capability since October 1, 1981; and

WHEREAS, the Alabama Work Incentive Program returned more than \$7.50 in positive benefits of wages, ADC grant reductions, medicaid savings and food stamp savings for every program dollar spent in fiscal year 1981; and

WHEREAS, the Congress of the United States has funded the Work Incentive Program since its inception; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby petition the Congress of the United States to restore the Work Incentive Program to a reasonable funding level consistent with program needs and responsibilities for helping recipients of Aid to Dependent Children in becoming productive unsubsidized wage earners and provide for its continuation as prescribed by Law.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the members of the Alabama U.S. Congressional Delegation.

Approved July 8, 1982

Time: 3:00 P.M.

Act No. 82-774

H. 15—Rep. Sandusky

## AN ACT

To provide for issuance of a permit by the state fire marshal to a fire protection sprinkler contractor, which said permit must first be presented to the local building official before being allowed to engage in the installation, repair, alteration, addition, maintenance, or inspection of fire protection sprinkler systems; to require testing by the state fire marshal of the competency of an individual who is the owner, partner, officer, or in a management position of the fire protection sprinkler contractor; to prescribe fees for permits issued pursuant to this act; to provide for funds collected pursuant to this act to be deposited in the state fire marshal's fund now authorized by section 24-5-10, Code of Alabama 1975; to prescribe civil penalties for violation of this act.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** For purposes of this act, the following words and phrases shall have the meanings respectively ascribed in this section:

(1) **FIRE PROTECTION SPRINKLER CONTRACTOR.** An individual, partnership, corporation, association, or joint venture engaged in the installation, repair, alteration, addition, maintenance, or inspection of fire protection sprinkler systems. This does not include local building officials, fire inspectors, or insurance inspectors when acting in their official capacity.

(2) **CERTIFIED FIRE PROTECTION SPRINKLER CONTRACTOR.** A fire protection sprinkler contractor who has qualified and received a permit from the state fire marshal.

(3) **CERTIFICATE HOLDER.** An individual who has satisfactorily met minimum experience requirements and completed and passed a competency test administered by the state fire marshal. The individual must be an owner, partner, officer, or in a management position of the fire protection sprinkler contractor.

(4) **STATE FIRE MARSHAL'S PERMIT.** The form issued by the state fire marshal to a fire protection sprinkler contractor upon application being approved, fee paid, and satisfactory testing of competency of an individual who is an owner, partner, officer, or in a management position of the fire protection sprinkler contractor. The permit shall be issued in the name of the fire protection sprinkler contractor, with the name of the certificate holder noted thereon.

(5) **FIRE PROTECTION SPRINKLER SYSTEM.** A system of overhead piping designed in accordance with fire protection engineering standards. The system is supplied from a reliable, constant and sufficient water supply, such as a gravity tank, fire pump, reservoir or pressure tank, and/or connection by underground piping to

a city main. The portion of the sprinkler system above ground is considered the fire protection sprinkler system for purposes of this act, and is a network of specially sized or hydraulically designed piping installed in a building, structure, or area, generally overhead, and to which sprinklers are connected in a systematic pattern. The system includes a controlling valve and a device for actuating an alarm when the system is in operation. The system is usually activated by heat from a fire and discharges water over the fire area. Fire protection sprinkler system shall include the following types: wet-pipe systems, dry-pipe systems, pre-action systems, deluge systems, combined dry-pipe and pre-action systems, antifreeze systems and circulating closed loop systems.

**Section 2.** The administration of this act is vested in the state fire marshal who shall have the power to set or make changes in the amount of the fee charged as necessary for the administration and enforcement of this act. The state fire marshal may, at his discretion, have the competency test prepared by others.

**Section 3.** It shall be unlawful for any individual, partnership, corporation, association, or joint venture to engage in the installation, repair, alteration, addition, maintenance, or inspection of a fire protection sprinkler system in this state except in conformity with the provisions of this act.

**Section 4.** Any individual, partnership, corporation, association, or joint venture desiring to engage in the installation, repair, alteration, addition, maintenance, or inspection of fire protection sprinkler systems shall submit to the state fire marshal on standard forms provided by the state fire marshal an application, complete with all information required, on the applicant who is at present an owner, partner, officer, or in a management position of the fire protection sprinkler contractor making the application. The applicant shall include a fee of \$100.00 when making the application. A competency test shall be scheduled by the state fire marshal for the applicant. If the applicant shall provide sworn affidavits from three professional engineers currently registered in the state of Alabama, to the effect that the applicant has satisfactorily supervised the sale, design and installation of at least one fire protection sprinkler system of more than two hundred sprinklers in size for each (complete with name, description and location of each), the competency test may be waived, provided the application is submitted prior to August 31, 1982. This act shall not prevent the state fire marshal, at his discretion, from issuing, upon receipt of the application and fee, a state fire marshal's permit to a fire protection sprinkler contractor who produces evidence of having a current state fire marshal's permit from another state, if such state fire marshal shall have entered into an agreement of reciprocity with the state of Alabama fire marshal.

**Section 5.** If the required fee has been paid, the competency test passed satisfactorily, and the applicant found to be at present an owner, partner, officer, or in a management position of the fire protection sprinkler contractor, the state fire marshal shall within thirty days issue a state fire marshal's permit in the name of the fire protection sprinkler contractor with the name of the certificate holder noted thereon.

**Section 6.** In no case shall a certificate holder be allowed to obtain a state fire marshal's permit for more than one fire protection sprinkler contractor at a time. If the certificate holder should leave the employment of the fire protection sprinkler contractor, he must notify the state fire marshal within thirty days. The certificate holder shall not be eligible to obtain a state fire marshal's permit for more than one other fire protection sprinkler contractor for a period of twelve months thereafter. If the certificate holder should leave the employment of the fire protection sprinkler contractor, or die, the contractor shall have six months or until the expiration of the current permit, whichever comes first, to submit a new application on another certificate holder who is at present an owner, partner, officer, or in a management position of the fire protection sprinkler contractor, and be issued a new permit. If such application is not received and a new permit issued within the allotted time, the state fire marshal shall revoke the permit of the fire protection sprinkler contractor.

**Section 7.** The state fire marshal's permit shall expire annually at midnight on September 30. At least thirty days prior, the fire protection sprinkler contractor must submit a renewal application and provide a sworn affidavit that the certificate holder has supervised the sale, design, and installation of at least three fire protection sprinkler systems of more than two hundred sprinklers in size (complete with name, description, and location of each) in the last six months. A renewal fee must be submitted with the application. Failure to renew the permit prior to the expiration shall cause the permit to be null and void as of the expiration date, and it shall be unlawful under this act for any individual, partnership, corporation, association, or joint venture to engage in installing, repairing, altering, adding, maintaining, or inspecting a fire protection sprinkler system without a valid state fire marshal's permit. The permit may be reinstated by making application as before, and payment of the fee; however, until such time as a new permit is issued, it shall be unlawful for the fire protection sprinkler contractor to engage in installing, repairing, altering adding, maintaining, or inspecting fire protection sprinkler systems.

**Section 8.** If a certified fire protection sprinkler contractor desires to do business in any part of the state, he shall be required

by this act to deliver to the local building official a copy of his state fire marshal's permit. The local building official shall require a copy of the state fire marshal's permit before issuing a license or building permit. The certified fire protection sprinkler contractor shall be required to pay any fees normally imposed for local licenses or permits, but the local official shall impose no other requirements on the certified fire protection sprinkler contractor to prove competency other than proper evidence of a valid state fire marshal's permit.

**Section 9.** Nothing in this act limits the power of a municipality, county, or the state to regulate the quality and character of work performed by contractors, through a system of permits, fees, and inspections which are designed to assure compliance with, and aid in the implementation of, state and local building laws or to enforce other local laws for the protection of the public health and safety. Nothing in this act limits the power of a municipality, county, or the state to adopt any system of permits requiring submission to and approval by the municipality, county, or the state, of plans and specifications for work to be performed by contractors before commencement of the work. The official authorized to issue building or other related permits shall ascertain that the fire protection sprinkler contractor is duly certified by requiring evidence of a valid state fire marshal's permit.

**Section 10.** This act also applies to any fire protection sprinkler contractor performing work for any municipality, county, or the state. Officials of any municipality, county, or the state are required to determine compliance with this act before awarding any contracts for the installation, repair, alteration, addition, or inspection of a fire protection sprinkler system. Bids for such shall be accompanied by a copy of a valid state fire marshal's permit.

**Section 11.** All funds collected pursuant to this act shall be deposited in the state treasury to the credit of the state fire marshal's fund authorized by section 24-5-10, Code of Alabama 1975. The state fire marshal shall be authorized to expend monies from the state fire marshal's fund for the administration and enforcement of this act. The state fire marshal shall be allowed to receive grants and donations from associations, firms, or individuals who are interested in the upgrading and quality of fire protection sprinkler systems.

**Section 12.** Whenever the state fire marshal shall have reason to believe that any individual, partnership, corporation, association, or joint venture is or has been violating any provisions of this act, he or his deputy or assistant may issue and deliver to such individual, partnership, corporation, association, or joint venture an order to cease and desist such violation. Failure to comply with any order under this section shall constitute a Class B misdemeanor and shall



be subject to punishment within the limits and as provided by state laws. In addition, the state fire marshal may impose a civil penalty not to exceed \$250.00 for each day the violation exists. Violation of any provision of this act or failure to comply with a cease and desist order shall be cause for revocation of the state fire marshal's permit.

**Section 13.** The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 14.** All laws or parts of laws which conflict with this act are hereby repealed.

**Section 15.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 8, 1982

Time: 3:00 P.M.

Act No. 82-775

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H. 47— Reps. Cates, Dial, Blake, Crow,  
Edwards, Willis, Pegues,  
Carothers, Laird, Grimsley,  
Holley, Williams, Shoemaker,  
Sasser, Grouby, Warren, Carter,  
Stout, Harper (O), Hammett,  
Penry, Owens, Letson, Clark (G),  
Venable, Daniels, Ford, McMillan,  
Hines, Turner

#### AN ACT

To amend Section 40-3-7, Code of Alabama 1975, relating to the compensation and mileage for members of boards of equalization, so as to provide further therefor; and to make the provisions retroactive.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 40-3-7, Code of Alabama 1975, is hereby amended to read as follows:

“§ 40-3-7. The annual term of service and compensation of members of the several county boards of equalization shall be on a basis of total assessed value of all taxable property, using the year 1955 as the basis, to be determined as follows:

“(1) In those counties in which the total assessed value of all taxable property exceeds \$600,000,000.00 according to the tax assessor’s abstract of assessments for said year, except in a county subject to subdivision (2) of this section, the members of the county boards of equalization shall serve on a full-time basis, and each associate member shall be paid at the rate of \$19,425.00 per annum, and the chairman shall be paid at the rate of \$21,090.00 per annum, payable in monthly installments.

“(2) This subdivision shall apply to any county of this state which has a population of 600,000 or more according to the last or any subsequent federal census and in which the total assessed value of all taxable property exceeds \$600,000,000.00 according to the tax assessor’s abstract of assessments for said year.

“In any county subject to this subdivision, the members of the county board of equalization shall serve on a full-time basis. Each associate member shall be paid at the rate of \$19,425.00 per annum, and the chairman’s total compensation shall be determined as provided for by the merit system law applying to the county, and the chairman shall be subject to and entitled to the benefits of the law establishing such merit system. The chairman’s total compensation shall be payable from the general funds of the county, and the chairman shall promptly pay to the county any compensation he or she receives from the state of Alabama and from the largest municipality of the county for serving as chairman. In addition to the salary provided for the chairman under the merit system law, the county shall make for and on the chairman’s account an employer’s matching payment to the county pension system fund, if the chairman is or becomes a member of the county pension system.

“(3) In those counties in which the total assessed value of all taxable property exceeds \$400,000,000.00, and does not exceed \$600,000,000.00 according to the tax assessor’s abstract of assessments for said year, the members of the county board of equalization shall serve on a full-time basis, and each associate member shall be paid at the rate of \$8,700.00 per annum, and the chairman shall be paid at the rate of \$9,200.00 per annum, payable in monthly installments.

“(4) In those counties in which the total assessed value of all taxable property is not less than \$80,000,000.00 and does not exceed \$400,000,000.00 according to the tax assessor’s abstract of assessments for said year, the members of the county board of equalization shall serve for not less than six months, the exact working period to be fixed or approved by the department of revenue, and each member shall be paid at the rate of \$250.00 per month; and said board shall be allowed annual traveling expenses to be approved by the department of revenue not to exceed the sum of \$250.00 for any tax year.

"(5) In those counties in which the total assessed value of all taxable property is not less than \$30,000,000.00 and does not exceed \$80,000,000.00 according to the tax assessor's abstract of assessments for said year, the members of the county board of equalization shall serve for not more than 150 working days, the exact working period to be fixed or approved by the department of revenue, and each member shall be paid at the rate of \$35.00 per diem; and said board shall be allowed mileage at the same rate as that paid to state employees, for official business, payable in the same manner and from the same source as expense allowances; provided however, the total allowance for such mileage shall not exceed the sum of \$600.00 per annum.

"(6) In those counties in which the total assessed value of all taxable property is not less than \$25,000,000.00 and does not exceed \$30,000,000.00, according to the tax assessor's abstract of assessments for said year, the members of the county board of equalization shall serve for not more than 80 working days, the exact working period to be fixed or approved by the department of revenue, and shall be paid at the rate of \$35.00 each per diem, payable in monthly installments; and said board shall be allowed mileage at the same rate as that paid to state employees, for official business, payable in the same manner and from the same source as expense allowances; provided however, the total allowance for such mileage shall not exceed the sum of \$600.00 per annum.

"(7) In those counties in which the total assessed value of all taxable property does not exceed \$25,000,000.00 according to the tax assessor's abstract of assessments for said year, the members of the county board of equalization shall serve for not more than 80 working days, the exact working period to be fixed or approved by the department of revenue, and each member shall be paid at the rate of \$35.00 per diem, payable in monthly installments; and said board shall be allowed mileage at the same rate as that paid to state employees, for official business, payable in the same manner and from the same source as expense allowances; provided however, the total allowance for such mileage shall not exceed the sum of \$600.00 per annum."

**Section 2.** The provisions of this act shall become effective retroactively to May 1, 1982 provided, however, the provisions of this bill will be void and have no effect whatsoever if the current reappraisal of real property is not applied in the fiscal year ending September 30, 1983.

Approved July 8, 1982

Time: 3:00 P.M.

Act No. 82-776

H. 54—Rep. Gafford

## AN ACT

To create a fund to be known as the Public Employees' Individual Retirement Account Fund. To provide for the eligibility requirements for participation in said fund and to provide for the operation and administration of said fund. To further provide for a limitation on investments.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Legislative Intent. It is the intent of the legislature to make available to public employees of the State of Alabama, a public employees' individual retirement account plan so as to enable said employees to conveniently and economically receive the fullest benefits offered by the Economic Recovery Tax Act of 1981 as it relates to individual retirement accounts for public employees covered by a mandatory public retirement plan.

**Section 2.** Creation. There is hereby created a fund which shall be known as the Public Employees' Individual Retirement Account Fund (PEIRAF). The PEIRAF shall be administered by the Secretary-Treasurer of the Employees' Retirement System under the supervision and direction of a board of control which shall be composed of members of the investment committees of the Teachers' and Employees' Retirement Systems of Alabama.

**Section 3.** Rules and Regulations. The board of control is hereby empowered and authorized to promulgate such rules and regulations as may be necessary to implement the provisions of this act, and to define terms, words and/or phrases incident thereto, provided such rules shall conform to the requirements of the Internal Revenue Code so that contributions to this plan shall be deductible from the employee's gross income for federal income tax purposes.

**Section 4.** INVESTMENTS Any investments in any instrument offering a fixed rate of return, including but not limited to bonds, mortgages, notes, certificates of deposit and loans, the term of which exceeds one year, shall be limited to entities located in Alabama.

Investments in instruments offering a fixed rate of return for a term which does not exceed one year shall be made under the same rules, regulations, conditions, or guidelines governing the Retirement Systems of Alabama. Any common stock portfolio shall be managed and maintained under the same reasonable standards, rules, regulations, conditions, or guidelines applicable to investments in common stocks by the Retirement Systems of Alabama.

**Section 5. Eligibility.** The PEIRAF shall be available to all public employees in the state of Alabama who are members of the Teachers' Retirement System, the Employees' Retirement System or the Judicial Retirement Fund. In addition, any employee of an employer eligible to participate in the Employees' Retirement System pursuant to the provisions of § 36-27-6 shall be eligible to participate under the provisions of this act. Participation in this fund shall be on a strictly voluntary basis under such rules and regulations as shall be adopted by the Board of Control and in accordance with the provisions contained in the Internal Revenue Code as it relates to individual retirement accounts for public employees. Any person who shall become ineligible for participation in the PEIRAF due to the termination of his employment with an eligible employer may leave his contributions on account with the PEIRAF, however, no further contributions may be accepted on his account unless such person shall become reemployed by an eligible employer.

**Section 6. Contributions.** Contributions to the PEIRAF may be deducted from each participating employee's compensation or retirement allowance and transmitted to the PEIRAF in accordance with the limitations contained in the Economic Recovery Tax Act of 1981 and pursuant to such rules and regulations as shall be promulgated by the Board.

**Section 7. Administrative Cost.** The administrative cost for the operation of the PEIRAF shall be provided through investment earnings on contributions to the fund. No additional state funds shall be used to administer the provisions of this act.

**Section 8. Severability.** The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 9. Repealer.** All laws or parts of laws; special, local, or general which conflict with or are inconsistent with this act are hereby repealed insofar as such laws or parts of laws conflict with or are inconsistent with this act.

**Section 10. Effective Date.** This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved July 8, 1982

Time: 3:00 P.M.

## AN ACT

To amend Sections 9-11-47 and 9-11-49, Code of Alabama 1975, as amended by Act. No. 82-407, H. 80, 1982 Regular Session, which relate to nonresident hunting licenses, so as to provide further for said licenses.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Sections 9-11-47 and 9-11-49, Code of Alabama 1975, as amended by Act. No. 82-407, H. 80, 1982 Regular Session, are hereby amended to read as follows:

“Section 9-11-47. Any nonresident of this state who is 16 years old or older must procure an annual all game hunt license<sup>\*</sup> to hunt all legal game in this state by filing his application with the commissioner of conservation and natural resources or any judge of probate or other person authorized to issue same, stating his age, race, place of residence and post office address and after paying to the person issuing said license a fee of \$175.00.

“Every person making application for nonresident game license as provided in this section and Sections 9-11-46, 9-11-48 and 9-11-49 of the Code of Alabama 1975 shall present a driver license or in the case of nondrivers, proof of permanent residence. All nonresident game licenses shall bear the driver license number of the licensee and the state where said license was issued, except in the case of nondrivers, and all licenses shall bear proof of residence as required by the commissioner of conservation and natural resources.

“Every person who obtains a nonresident game license without presenting a driver license or in the case of nondrivers, proof of permanent residence, shall be punished by a fine of not less than twice the applicable license fee.

“All game hunt licenses issued pursuant to this section shall be valid for hunting deer only from the opening date of statewide deer season through December 31 of that same year. Provided, however, the provisions of this paragraph as to the expiration date of such licenses shall not apply to nonresidents of this state who pay a fee to an authorized guide hunting service; provided, however, that any guide hunting service that has been in existence and operating within the State of Alabama during the hunting season immediately preceding the effective date of this act shall be automatically designated as an authorized guide hunting service and shall not be subject to any rules or regulations promulgated before or after the effective date of this act by the Commissioner of the Department of Conservation and Natural Resources, or the Department or the Conservation Advisory Board, pertaining to guide hunting services in Alabama. The commissioner of the department of conservation and natural resources is hereby authorized to promulgate rules and regulations setting out

the requirements for an approved guide hunting service except those guide hunting services that have been in existence and operating within the state on the effective date of this act.

"The issuing officer or authority shall be allowed a fee of \$1.00 for each nonresident license issued by him as provided in this section and Sections 9-11-46, 9-11-48, and 9-11-49, which issuing fee shall be in addition to the cost of the license.

"Section 9-11-49. Any nonresident of this state who is 16 years or older must procure a 'trip all game hunt license' to hunt all legal game in this state in the same manner as provided for procuring the nonresident annual hunting licenses provided for in sections 9-11-46 and 9-11-47 by paying therefor the sum of \$50.00, which license will authorize the holder thereof to hunt in this state for a period of seven days from the day said license was issued.

"Trip all game hunt licenses pursuant to this section shall be valid for hunting deer only for seven-day periods between the opening date of statewide deer season and December 31 of this same year. Provided, however the provisions of this paragraph as to the expiration date of such licenses shall not apply to non-residents of this state who pay a fee to an authorized guide hunting service. The commissioner of the department of conservation and natural resources is hereby authorized to promulgate rules and regulations setting out the requirements for an approved guide hunting service."

**Section 2.** Notwithstanding any rule, regulation or law to the contrary, the Commissioner of the Department of Conservation and Natural Resources with consent of the Conservation Advisory Board is hereby authorized to establish bag limits, lengths of seasons and license fees for non-residents who reside in those states which have entered into reciprocal agreements as to the aforementioned with the State of Alabama. "But under no circumstance shall the annual all game license be less than \$99 nor the trip all game license less than \$50."

**Section 3.** Notwithstanding any other rule, regulation or law to the contrary, a nonresident individual Alabama property owner, upon presentation of proof of the payment of at least \$100.00 ad valorem property taxes for the current or preceding tax year, shall be treated as an Alabama resident for the purpose of procuring hunting licenses as provided in Articles 1 and 2 of Title 9 of the Code of Alabama 1975.

**Section 4.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

**Section 5.** The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Approved July 12, 1982

Time: 9:00 A.M.

Act No. 82-778

H. 125—Reps. Lewis, Dial, Stout,  
Turnham, Harper (O), Bennett

### AN ACT

To amend Title 16, Section 13, Subsection 31, of the Code of Alabama, 1975, and Title 16, Section 13, Subsection 98, of the Code of Alabama, 1975, so as to apportion the school funds among the proper school officials of the various county and city boards of education as directed by the State Superintendent of Education.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Title 16, Section 13, Subsection 31, of the Code of Alabama, 1975, shall be and the same is hereby amended to read as follows:

“The tax collector/revenue commissioner of each county must keep a record of all receipts and disbursements of school funds of his/her county to the several schools and of each apportionment to cities having a city board of education, and shall apportion the school funds among the proper school officials of the various county and city boards of education as directed by the State Superintendent of Education. (School Code 1927, § 247, Code 1940, T. 52. § 201.)”

**Section 2.** Title 16, Section 13, Subsection 98, of the Code of Alabama, 1975, shall be and the same is hereby amended to read as follows:

“All warrants issued hereunder by a county or city board of education shall be payable solely from the county or city board of education’s apportioned share of the proceeds of the special tax in respect of which they were issued, but this shall not prohibit their payment from any other funds which may be available therefor under any other provision of law; provided, that in no event shall such warrants be payable from such other funds if the effect thereof would be to subject such warrants to any constitutional debt limit or to any constitutional requirement that they be authorized by vote of the qualified voters. All warrants issued hereunder shall be preferred claims against the county or city board of education’s apportioned



share of said tax as herein provided. All valid pledges of the said tax heretofore made, whether made to secure warrants or otherwise, shall remain valid and effective, and successive pledges so made of the same tax shall remain entitled as between each other to preference in the order in which they were made. All warrants issued hereunder, whether capital outlay or refunding, and including warrants heretofore issued under Act No. 94 (1936, Ex. Sess., p. 58), approved April 6, 1936, shall be secured by pledge of the entire net proceeds of the county or city board of education's apportioned share of said tax, subordinate to all pledges thereof heretofore or hereafter made before the issue of the said warrants, but superior to all pledges thereof made after the issue of the said warrants; provided, that all warrants hereafter authorized hereunder by the county or city board of education at one session but delivered at different times shall as against other warrants have preference as of the date when the first delivery of such warrants was made and as between each other shall be of equal rank. All warrants issued hereunder, as well as all valid pledges of the said tax heretofore made, shall have preference over claims for salaries or other operating expenses or any other purpose. In each fiscal year the proceeds of the said tax shall be deposited as soon as received by the custodian of school funds or the city treasurer, as the case may be, in a bank approved for that purpose by the state superintendent of education upon the advice of the state superintendent of banks or other chief state officer having supervision over banking matters, in a separate account to an amount sufficient for the payment of all claims secured by a valid pledge of the said tax and due in that fiscal year, including the principal and interest of all warrants issued hereunder due in that fiscal year or due in any prior year and remaining unpaid with six percent interest on such overdue claims. After such amount has been so deposited the balance of the proceeds of the said tax may be used for any proper purpose without regard to the said pledges or warrants. Such deposit shall be held as a trust fund for the payment of the claims for which it was established and shall be applied to the payment of all such claims as they become due; provided, that no such claim shall be paid therefrom unless after such payment sufficient funds will remain in said deposit to pay all such claims which are secured by a pledge of the said tax superior to the pledge securing the claim to which such payment is to be applied, and such deposit shall be applied to no other purpose until all such claims are satisfied. Any custodian, treasurer, superintendent of education, member of a board of education or other officer who shall by vote or in any other manner cause, aid or encourage any diversion of any such deposit to any other purpose or any misappropriation thereof whereby loss or injury to the owner or holder of any such claim is caused shall be jointly and severally liable, both personally and upon his official bond, if bonded, to such owner or holder to the extent of such loss or injury, including attorneys' fees and other col-

lection costs. Any failure to make such deposit as required by the section or to apply the same as herein provided shall be construed as a diversion or a misappropriation, and any owner or holder of any claim then or at any time in the future payable from such fund may at any time enter suit in any court of competent jurisdiction against the official responsible therefor and the surety upon his official bond, if bonded, both to recover for any loss or injury thereby sustained and to compel the observance of these provisions in the future. (Acts 1939, No. 186, p. 334; Code 1940, T. 52, § 217.)”

**Section 3.** The provisions of this Act are severable in nature, and any paragraph, sub-paragraph, section, subsection, or sentence, phrase or word which may be found by a Court of competent jurisdiction to be unconstitutional shall not affect the remainder not so declared, it being the express intent of the Legislature to adopt this Act, regardless of whether or not portion or portions thereof shall be declared unconstitutional.

**Section 4.** This Act shall become effective immediately upon its passage and approval by the Governor or by its otherwise becoming a law.

Approved July 8, 1982

Time: 3:00 P.M.

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Act No. 82-779

H.J.R. 20—Rep. McKee

### HOUSE JOINT RESOLUTION

EXTENDING THE REPORTING DATE FOR INTERIM COMMITTEE TO STUDY THE OPERATION OF ALL STATE CAFETERIAS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the reporting date for the Interim Committee to Study the Operation of All State Cafeterias is hereby extended to the last day of the Second Special Session of 1982.

Approved July 8, 1982

Time: 3:00 P.M.

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Act No. 82-780

H.J.R. 77—Rep. McKee

### HOUSE JOINT RESOLUTION

EXTENDING THE REPORTING DATE FOR INTERIM COMMITTEE TO STUDY THE OPERATION OF ALL STATE CAFETERIAS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the reporting date for the Interim Committee to Study the Operation of All State Cafeterias is hereby extended to the last day of the Third Special Session of 1982.

Approved July 8, 1982

Time: 3:00 P.M.

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Act No. 82-781

H. 157—Rep. Kennedy

AN ACT

To amend Act Number 31 of the Alabama Legislature, Second Special Session, 1975, adopted March 10, 1975, and any amendments thereto, which relates to the incorporation in any municipality having a population of not less than 175,000 nor more than 250,000 according to the last or any subsequent Federal Decennial Census of an Authority as a public corporation for the purpose of providing public transportation service in such county and the compensation of directors of any such authority.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 7 of the Act No. 31 of the Alabama legislature, Second Special Session, 1975, adopted March 10, 1975, is hereby amended so that the said Section 7 shall read as follows:

“Section 7(a) Board of Directors. Each authority shall be governed by a Board of Directors. All powers of the authority shall be exercised by the board of pursuant to its authorization. The board shall consist of six (6) directors. Each director shall be elected by the governing body of the authorizing municipality. The initial term of office of three (3) of the directors elected by the governing body of the authorizing municipality shall begin immediately upon their election and shall end at 12:01 o'clock A.M., on the 2nd anniversary of the date of the filing for record of the Certificate of Incorporation of the authority. The initial term of office of the remaining directors elected by the governing body of the municipality shall begin immediately upon their election and shall end at 12:01 o'clock A.M. on the 4th anniversary date of such filing. Thereafter, the term of office of each such director shall be six (6) years. If at anytime there should be a vacancy on the board, a successor director to serve for the unexpired term applicable to such vacancy shall be elected by the governing body of the authorizing municipality. Each election of a director,

whether for a full term or to complete any unexpired term, shall be made not earlier than thirty (30) days prior to the date on which such director is to take office as such. No officer or employee of the state or of any county or municipality shall, during his tenure as such officer, be eligible to serve as a director. Each director must be a duly qualified elector of the authorizing municipality. Directors shall be eligible for re-election. Any director of the authority may be impeached and removed from office in the same manner and on the same grounds provided by Section 175 of the Constitution of Alabama and the general laws of the state for impeachment and removal of the officers mentioned in said Section 175. (b) Each director shall be reimbursed for any and all expenses for out-of-county travel actually incurred by him in and about the performance of his duties. Each director except the chairman of the board shall be compensated in an additional amount of \$125.00 per month. The chairman shall be compensated an additional amount of \$175.00 per month. In addition to the above compensation, each director except the chairman of the board shall be compensated in an additional amount of \$50.00 per board meeting. The chairman shall be compensated in an additional amount of \$75.00 per board meeting.

**Section 2.** If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part or parts which remain.

**Section 3.** All laws or parts of laws which conflict with this Act are hereby repealed.

**Section 4.** The provisions of this Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved July 8, 1982

Time: 3:00 P.M.

Act No. 82-782

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S.J.R. 50—Messrs. Little, Harrison,  
Robertson, Bailey, Britnell,  
Callahan, Cook, deGraffenried,  
Denton, Figures, Glass, Goodwin,  
Gulledge, Hall, Higginbotham,  
Hilliard, Holmes, Keener,  
Kirkland, Lemaster, Martin,  
McDonald, Miller, Mitchem,  
Parsons, Pearson, Proctor, St.  
John, Smith, Taylor, Teague (B),

Teague (J), Vacca, Weeks and  
White

## SENATE JOINT RESOLUTION

INVITING ASTRONAUTS KEN MATTINGLY AND HENRY HARTSFIELD, AND MR. RICHARD G. SMITH, DIRECTOR OF GROUND CONTROL, TO APPEAR BEFORE A JOINT SESSION OF THE ALABAMA LEGISLATURE.

WHEREAS, Astronauts Ken Mattingly and Henry Hartsfield, pilots for the historic fourth flight of the Space Shuttle Columbia, as well as Mr. Richard G. Smith, Director of Ground Control for the mission, are all graduates of Auburn University and distinguished alumni who have brought great fame and honor to the entire State of Alabama; and

WHEREAS, the Alabama Legislature and, indeed, all citizens of our State are justly proud of these outstanding War Eagle graduates who have so greatly contributed to our nation's space exploration program; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend a most cordial invitation to Astronauts Mattingly and Hartsfield and to Ground Control Director Richard G. Smith to address a Joint Session of the Alabama Legislature at a time and date to be later set.

BE IT FURTHER RESOLVED, That Astronauts Mattingly and Hartsfield, and Mr. Smith, be notified, by copies of this resolution, of the request of the Legislature and that we hopefully anticipate an acceptance at their earliest convenience during the next session, Special or Regular, of the Alabama Legislature.

Approved July 8, 1982

Time: 3:00 P.M.

Act No. 82-783

S. 30—Messrs. Denton and Holmes

## AN ACT

To make a supplemental appropriation to the State Board For Registration of Architects from the State Board For Registration of Architects Fund for the fiscal year beginning October 1, 1981 and ending September 30, 1982.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** In addition to all other appropriations heretofore or hereafter made from the State Board For Registration of Architects Fund, there is hereby appropriated to the State Board For Registration of Architects the sum of \$35,000.00 from the State Board For Registration of Architects Fund for the fiscal year beginning October 1, 1981 and ending September 30, 1982.

**Section 2.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 8, 1982

Time: 3:00 P.M.

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Act No. 82-784

S. 36—Mr. deGraffenried

AN ACT

To amend Section 18-3-1, Code of Alabama 1975, which provides for acquisition of rights-of-way by private parties, so as to provide further for said acquisition.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 18-3-1, Code of Alabama 1975, is hereby amended to read as follows:

“§ 18-3-1. The owner of any tract or body of land, no part of which tract or body of land is adjacent or contiguous to any public road or highway, shall have and may acquire a convenient right-of-way, not exceeding in width 30 feet, over the lands intervening and lying between such tract or body of land and the public road nearest or most convenient thereto” provided written approval is obtained from the municipal government and the planning board of such municipality.

**Section 2.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 8, 1982

Time: 3:00 P.M.

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Act No. 82-785

S. 69—Mr. Hilliard

AN ACT

To authorize municipalities incorporated in this state to require payment of a "vacation of right-of-way fee" as a condition precedent to the vacation of the right-of-way of any public road, street, alley, or other public way, not to exceed the fair market value of the land to be added to the holdings of abutting property owners as a consequence of such vacation; providing for a public hearing, and notice thereof, to determine the amount of such fee; providing that such fee shall not exceed the assessed valuation for ad valorem taxes of lots or tracts abutting the right-of-way to be vacated; and making the determination by the governing body of a lesser fee conclusive.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Prior to the exercise of the power of a municipality incorporated in this state to vacate the public right-of-way for a road, street, alley, or other dedicated public way, open or unopen, as a condition of exercise of such power to vacate, the governing body may require abutting landowners who will directly benefit from such vacation to pay to such municipality a "vacation of right-of-way fee" equal to the fair market value of the land which will be added to the holdings of such abutting landowners. Such fair market value shall be determined by the governing body of the municipality after a public hearing, notice of which shall be published in a daily newspaper of general circulation at least five days prior thereto and mailed to such address or addresses as may be set forth in the application by abutting owners for the vacation of right-of-way unless a waiver of such notice to abutting landowners is filed by such abutting landowners with the clerk of the municipality and noted in the minutes of the municipal governing body at the time of adoption of the resolution vacating such right-of-way, or unless the abutting landowners paying such fee appear, personally or by counsel, at such public hearing. In no event shall the said "vacation of right-of-way fee" exceed the assessed value per square foot of all subdivision lots or tracts abutting the right-of-way to be vacated applied to square foot area of the real property to be added to holdings of each abutting landowner paying such fee; provided, however, the determination of such a fee in a lesser amount by the governing body of the municipality shall be conclusive as to its amount.

**Section 2.** This Act shall be effective upon its approval by the Governor or its otherwise becoming a law.

Approved July 8, 1982

Time: 3:00 P.M.

To create the Alabama Educational Television Foundation Authority as a public non-profit corporation; to prescribe the powers of such authority; to prescribe that such authority may receive, invest and expend donated monies for educational and eleemosynary purposes related to the support, promotion, development and growth of educational activities and public broadcasting and television in Alabama; to provide for auditing; to prescribe that such authority shall be exempt from all taxes, whether state, local or municipal; to provide for the membership of the authority, their qualifications and terms of office; to prescribe that the general manager of the state's public educational network shall be an ex officio non-voting member of the authority; and to prescribe that the Alabama Educational Television Commission shall continue as the governing body of the Alabama public network.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** There is hereby created the Alabama Educational Television Foundation Authority which shall be a public non-profit corporation consisting of thirteen members who shall be appointed by the Alabama Educational Television Commission. Such authority members shall include: One member from each congressional district, the public network's general manager as an ex officio member, and the remaining five selected from the state-at-large from persons with expertise in broadcasting or investments. The ex officio member shall be non-voting. The members shall receive no salary for their services.

**Section 2.** Members of the authority shall be elected for four-year terms; provided, however, that the commission, in its first appointments, shall appoint four for one-year terms, four for two-year terms, and four for the full four-year term; thereafter, all members shall be appointed for four years.

**Section 3.** The members of the authority shall elect officers from among themselves and shall meet at the call of the president or upon the call of four or more members.

**Section 4.** (a) The authority shall receive, invest and expend donated monies for educational and eleemosynary purposes, related to the promotion, development and growth of educational and public broadcasting and television in Alabama. The said authority shall be exempt from paying any taxes, whether state, local or municipal.

(b) Said authority shall be subject to audits by the Department of Examiners of Public Accounts. Said audits shall be similar to the type performed on similar agencies.

**Section 5.** The activities of the authority shall not include, directly or indirectly, the carrying on of propaganda, or otherwise attempting to influence legislation or engaging in political campaigns.

**Section 6.** In the event of dissolution, the residual assets of the authority shall be turned over to another public corporation or organization which is itself exempt from federal income tax as an organization described in Section 501(c)(3) and Section 170(c) of the Internal Revenue Code of 1954, as amended.



**Section 7.** It is the express intent of the Alabama legislature that the Alabama Educational Television Commission shall continue as the governing body of the Alabama public network.

**Section 8.** The provisions of this Act are cumulative and shall not be construed to repeal or supersede any laws not directly in conflict or inconsistent herewith.

**Section 9.** The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 10.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 8, 1982

Time: 3:00 P.M.

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Act No. 82-787

S. 77—Mr. Taylor

### AN ACT

To confer the power to grant franchises upon the County Commissions of the several counties in this state in relation to the operation of community antenna television facilities; to empower the said County Commissions to set up reasonable rules and regulations governing the exercise of rights granted by the said franchises; to grant franchises and regulate such franchises in certain counties; to authorize and empower the said County Commissions to levy a license tax and fix the amount of said tax on the business performed under said franchise.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The County Commissions of the several counties in this state are hereby authorized and empowered to grant, by resolution or ordinance, franchises for the installation of poles or conduits within the boundary lines of public roads, highways or rights of way for the operation of community antenna television facilities. Any franchise granted under the provisions of this Act may be conditioned by reasonable rules and regulations set out in said franchise and said franchise may be revoked for the continued violation of any of said rules and regulations. Said franchises shall only apply in unincorporated areas of any such county at the time of granting said franchise and a franchise may be limited to a portion of said unincorporated area. For the purposes of this Act the term "community television antenna facility" shall include "cable television" facilities.

**Section 2.** A franchise is hereby granted for the installation of poles or conduits within the boundary lines of public roads, highways

or rights of way in any county of this state for the operation of community antenna television facilities to any person, partnership or corporation that is lawfully providing community antenna television service in any such county on the effective date of this Act. Any franchise granted under this section shall be limited to the portion or portions of the unincorporated areas of any such county as is being served by the franchisee on the effective date of this Act but may be extended to include other portions of the unincorporated areas of the county at the discretion of the County Commission of such county. Any franchise granted under this section shall be governed by the permit, agreement, franchise, ordinance, resolution or other instrument, if any, granting authority by the County to the entity currently providing such service (for the period of time covered by the instrument but not to exceed two years from the effective date of this Act) unless the County and the entity mutually agree upon differing terms. At the expiration of the term of such instrument, not to exceed two years after the date of this Act, or immediately, if no such instrument exists, then a franchise is granted to all portions of the unincorporated areas of such County as are being served by the franchisee on the effective date of the Act (but may be extended to include other portions of the unincorporated areas of the County at the discretion of the County Commission of such County) and shall be conditioned upon reasonable rules and regulations to be established by the County Commission of the County to which the franchise applies. Notwithstanding the foregoing, where the franchise area is, at the time of the franchise, served by an existing cable television facility operating without such instrument, the existing cable television facility shall be given the option to continue operation under the franchise, in accordance with the reasonable rules and regulations provided for herein, and no other system shall be given a franchise under terms more favorable than those offered to the existing system, where the existing system is not in violation of the said reasonable rules and regulations. Said franchise may be revoked for the continued violation of any of said rules or regulations. Provided, however, that prior to such revocation the franchisee shall be given a notice of continued violation and a sixty-day period in which to cure the violations or to make substantial progress toward such cure as shall be determined by the County Commission. The reasonable rules and regulations shall not be designed to discriminate against the existing cable television system or used as a device to preclude its continued operation. The provisions of this section shall not apply to any county for which a local law or general law of local application has been enacted regulating the grant of franchises for the operation of community antenna television facilities. Nothing in this section shall be construed to authorize a county to construct, own or operate a cable television system or community antenna television facilities.

**Section 3.** The County Commissions of the several counties in this state are hereby authorized and empowered to levy and collect a license tax on the gross revenue, of the community antenna television franchise holder, derived within the area covered by said franchise. The license tax, provided for herein, shall not exceed that percentage of gross revenue set forth by the regulations of the Federal Communications Commission. Counties are the only subdivision of the State entitled to levy such franchise fee in the unincorporated areas of each County.

**Section 4.** All laws or parts of law in conflict with this Act are repealed.

**Section 5.** The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 6.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 8, 1982

Time: 3:00 P.M.

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Act No. 82-788

S. 90—Mr. Bailey

### AN ACT

To amend Section 27-2-35, Code of Alabama, 1975 to provide that the period of supervision be extended from 60 days to a period of time not exceeding 180 days.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 27-2-35, Code of Alabama, 1975 is hereby amended as follows:

“Section 27-2-35, Same - Withdrawal of order; duration of order. The Commissioner shall withdraw the supervision order immediately upon determination that the reasons for the supervision set forth in Section 27-2-33 have been corrected or no longer exist, but in no event shall the supervision order last longer than 180 days without another notice and hearing being conducted in the same manner as set out in Section 27-2-38”.

**Section 2.** All laws or parts of laws in conflict herewith are hereby repealed.

**Section 3.** This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved July 8, 1982

Time: 3:00 P.M.

Act No. 82-789

S. 94—Mr. Cook

### AN ACT

To amend section 40-9-19 of the Code of Alabama 1975, as amended, relating to an ad valorem tax exemption from state ad valorem taxes on homesteads so as to increase the limit of said exemption from \$2,000.00 to \$4,000.00 in assessed value; to further provide for homestead exemptions so as to provide that any county, municipality or other local taxing authority may at any time grant an exemption from any levy of ad valorem taxes levied by such county, municipality or other local taxing authority and to prescribe that such exemption shall not exceed \$4,000.00 in assessed value; and to provide that this amendatory Act shall become null and void and of no further force or effect in this state upon the occurrence of a specified event.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 40-9-19 of the Code of Alabama 1975, as amended, is hereby further amended to read as follows:

“§ 40-9-19. (a) Homesteads, as defined by the Constitution and laws of Alabama, are hereby exempted from all state ad valorem taxes. In no case shall the exemption herein made apply to more than one person, head of the family, nor shall the said exemption exceed \$4,000.00 in assessed value, nor 160 acres in area for any resident of this state who is not over 65 years of age. The homesteads of residents of this state, over 65 years of age, or who are retired due to permanent and total disability, regardless of age, or who are blind as defined in section 1-1-3, regardless of age or whether such person is retired, shall be exempt from all state ad valorem taxes.

The state commissioner of revenue is hereby empowered to define and specify the condition or state of health that makes a person “permanently and totally disabled” and may issue certificates of disability to such person as he may find meets such specifications. Any person who is drawing any pension or annuity from the armed services or a company or governmental agency as being permanently and totally disabled shall automatically be granted a certificate of permanent and total disability by the state commissioner of revenue.

(b) For tax years beginning on and after October 1, 1981, for residents of this state not over 65 years of age, homesteads, as defined by the Constitution and laws of Alabama, are hereby exempted from all ad valorem property taxes levied, except ad valorem taxes

levied for school districts, by any county of this state. In no case shall such exemption herein made apply to more than one person, head of the family, nor shall the said exemption exceed \$2,000.00 in assessed value, nor 160 acres in area for any resident of this state who is not over 65 years of age except as provided in subsection (c) of this section.

(c) For tax years beginning on and after October 1, 1981, the governing body of any county, municipality or other local taxing authority may at any time grant by resolution or ordinance an exemption from any levy of ad valorem property taxes levied by such county, municipality or other local taxing authority on homesteads, as defined by the Constitution and laws of Alabama, of residents of this state not over 65 years of age. In no case shall such exemption herein allowed apply to more than one person, head of the family, nor shall said exemption, when added to any other homestead exemption applicable to the same ad valorem tax levy, exceed \$4,000.00 in assessed value, nor 160 acres in area. Any homestead exemption granted pursuant to this subsection (c) may be adjusted, rescinded or reinstated at any time by resolution or ordinance of the governing body of the county, municipality or other local taxing authority granting such exemption. Any action authorized by this subsection to be taken by a taxing authority, or the governing body thereof, shall, other than in the case of a municipality, be taken by resolution of the governing body of the county in which such taxing authority is located acting on behalf of such taxing authority; provided however, any action authorized by this subsection to be taken by a taxing authority, or the governing body thereof, which action shall affect countywide or district ad valorem taxes levied solely for the support of county or city school districts, shall be taken by resolutions of the governing bodies and boards of the school systems that are recipients of the proceeds of the ad valorem tax so affected by such action. The provisions of this subsection (c) shall in no way annul or reduce exemptions provided under subsections (a), (b) and (d) of this section.

(d) For tax years beginning on and after October 1, 1981, for residents of this state, over 65 years of age who have an annual adjusted gross income of less than \$12,000.00 as reflected on the most recent state income tax return or some other appropriate evidence, or who are retired due to permanent and total disability, regardless of age, or who are blind as defined in section 1-1-3, regardless of age or whether such person is retired, homesteads, as defined in the Constitution and laws of Alabama, are hereby exempted from all ad valorem property taxes levied by any county of this state, including such taxes levied for school districts. In no case shall such exemption exceed \$5,000.00 in assessed value, nor 160 acres in area. With respect to homesteads situated in more than one county, the exemption granted herein shall be prorated between the counties in which the

homestead is situated in the proportion that the area of the homestead in each county bears to the total area of the homestead claimed for exemption.

The department of revenue may by regulation define and specify the condition or state of health that makes a person "permanently and totally disabled" and may issue certificates of disability to any person that meets such specifications. Any person who is drawing any pension or annuity from the armed services, a private company or any governmental agency because he is permanently and totally disabled shall automatically be granted a certificate of permanent and total disability by the department of revenue.

(e) The grant of any homestead exemption provided under the provisions of this section shall not be allowed if such grant shall prevent the payment of any bonded indebtedness secured by any tax to which the homestead exemption would apply."

**Section 2.** This amendatory Act shall become null and void and of no further force or effect in this state if any statute, order of any court of competent jurisdiction or action by any government agency shall prevent the implementation of the new property tax reappraisal plan promulgated by the Alabama Department of Revenue (i.e. Division Directive #1 dated July 1, 1980 as amended by Change #1 To Division Directive #1 dated April 29, 1981).

**Section 3.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 14, 1982

Time: 5:00 P.M.

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Act No. 82-790

S.J.R. 44—Mr. Keener

## SENATE JOINT RESOLUTION

### COMMENDING MR. WILLIAM GERALD MAYO.

WHEREAS, William Gerald Mayo has been named "Health Promoter of the Year" by the Alabama Hospital Public Relations Society; and

WHEREAS, this honor is conferred by this Society to an individual not employed in a health care institution in recognition of significant contributions to the health care industry; and

WHEREAS, William Gerald Mayo earned this recognition for activities initiated in Gadsden and surrounding communities through

the development of a not-for-profit community-supported ambulance service, the organization of a Fire Medic Program, the establishment of a universal 911 emergency number and the creation of the Etowah County Emergency Services Council; and

WHEREAS, as the Chief of the Gadsden Fire Department, he knew of the tremendous job-related hazards faced by his fellow fire fighters and, therefore, initiated a physical fitness pilot study to provide a program to improve firefighter's survival rate; now therefore,

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES CONCURRING, That we hereby extend congratulations to Mr. William Gerald Mayo on receiving this outstanding honor and direct that a copy of this resolution be presented to Mr. Mayo in declaration of our sincere warm praise and regard.

Approved July 8, 1982

Time: 3:00 P.M.

Act No. 82-791

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S.J.R. 46—Messrs. Cook, Bailey, Britnell, Callahan, deGraffenried, Denton, Figures, Glass, Goodwin, Gullede, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague (B), Teague (J), Vacca, Weeks and White

#### SENATE JOINT RESOLUTION

WISHING MR. AL FOX A SPEEDY AND COMPLETE RECOVERY.

WHEREAS, the Alabama Legislature is pleased to note that although our good friend Mr. Al Fox of the Birmingham News has been hospitalized, he now is recuperating at home following treatment for compound fractures of the shoulder as well as other severe related injuries; and

WHEREAS, we also are pleased to learn that the prognosis is good for his complete recovery and we are hopeful that he soon will

be back on duty in the Capitol where, as senior member, he is Dean of the Capitol Press Corps; and

WHEREAS, Mr. Fox has been with the Birmingham News for some 21 years, first as State Editor, and now as political writer; it is through this association that we have been fortunate to know him both as an astute journalist and as a friend we hold in warm affection and regard; and

WHEREAS, Mr. Fox, who attended the University of Tennessee, is a retired U. S. Navy Commander and, in addition to The News, has worked for The Vicksburg Post Herald, The Anniston Star and The Gadsden Times; he is the recipient of the Birmingham News "Big N" Award, Troy State University's Hector Award, and a number of Associated Press Awards, all of which attest to his outstanding ability and professional achievement; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in deep friendship and regard, we extend to Mr. Al Fox our sincere wishes for the speediest possible recovery and direct that he receive a copy of this resolution in declaration of our concern for him.

Approved July 8, 1982

Time: 3:00 P.M.

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Act No. 82-792

S.J.R. 49—Mr. Bailey

### SENATE JOINT RESOLUTION

COMMENDING BOY OF THE YEAR, KAZAO MELVIN, OF THE HAWK-HOUSTON BOYS CLUB OF DOTHAN, ALABAMA.

WHEREAS, the Legislature of Alabama is pleased to note the selection of young Kazao Melvin as Boy of the Year of the Hawk-Houston Boys Club of Dothan, Alabama; and

WHEREAS, this recognition by the Boys Clubs of America is a prestigious honor indeed and young Kazao Melvin was selected for the award on the basis of outstanding achievement during 1981 and for his accomplishments as a Straight A Student in school, for his contributions within the home, and for his constructive participation in the activities of the Hawk-Houston Boys Club; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most



warmly praise and commend Dothan, Alabama's Kazao Melvin as Boy of the Year of the Hawk-Houston Boys Club and direct that he be presented with a copy of this resolution in token of our sincere regard and warm best wishes for his every future success.

Approved July 8, 1982

Time: 3:00 P.M.

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Act No. 82-793

S. 51—Mr. Kirkland

### AN ACT

To amend Section 34-32-19, Code of Alabama 1975, which relates to a separate state fund for the state board of registration for professional soil classifiers, so as to provide for the annual automatic appropriation of such funds to the board for its use.

#### *Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 34-32-19, Code of Alabama 1975, is hereby amended to read as follows:

“ § 34-32-19.

“The secretary of the board shall receive and account for all moneys derived under the provisions of this chapter. Such moneys shall be kept in a separate fund in the state treasury to be known as the soil classifier's fund. Such fund shall be kept separate and apart from all other moneys and shall be paid out for the expenses and compensation of the board and for enforcing this chapter, upon itemized vouchers, approved by the council and attested by the secretary of the board. The moneys in said fund shall be automatically appropriated to the board for expenditure by the board each fiscal year but not in excess of \$2,000.00 in any fiscal year.”

**Section 2.** All laws or parts of laws which conflict with this Act are hereby repealed.

**Section 3.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 8, 1982

Time: 3:00 P.M.



## STATE OF ALABAMA

DON SIEGELMAN  
SECRETARY OF STATE  
MONTGOMERY ALABAMA 36130  
(205)832-3570

# NOTICE

On December 17, 1982, the Alabama Supreme Court, in the case of **Alabama v. Eley**, upheld the action of the Alabama Court of Criminal Appeals in its ruling that Senate Bill 60, Act 82-860 of the Third Extraordinary Session of 1982, never became law because of the failure of the Governor to deliver said bill to the Secretary of State within the time allowed by the Constitution.

Article V, Section 125 of the Constitution of Alabama requires that "bills presented to the governor within five days before the final adjournment of the Legislature may be approved by the Governor at any time within ten days after such adjournment, and if approved and deposited with the Secretary of State within that time shall become law." The Legislature adjourned on the 13th day of August, 1982. Senate Bill 60 was deposited in the office of the Secretary of State on the 25th day of August, 1982.

Because the Governor delivered all bills from the Third Extraordinary Session on August 25th, 1982, it should be presumed that such bills similarly deposited also did not become law.

A handwritten signature in cursive script, reading "Don Siegelman".

DON SIEGELMAN  
SECRETARY OF STATE

**ALABAMA LAWS**  
**(and Joint Resolutions)**  
**OF THE**  
**LEGISLATURE OF ALABAMA**  
**PASSED AT THE**  
**THIRD SPECIAL SESSION 1982**



**FOB JAMES, Governor**  
**GEORGE D. H. McMILLAN, Lieutenant Governor**  
**FINIS ST. JOHN, President Pro-Tem of the Senate**  
**JOE C. McCORQUODALE, JR., Speaker of the House**  
**RICHARD S. MANLEY, Speaker Pro-Tem of the House**  
**McDOWELL LEE, Secretary of the Senate**  
**JOHN W. PEMBERTON, Clerk of the House**

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**WITH AN INDEX PREPARED BY THE**  
**LEGISLATIVE REFERENCE SERVICE**

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The undersigned, as Secretary of State of the State of Alabama, does hereby certify that this book contains bills and joint resolutions enacted at the 1982 Third Special Session of the Legislature of Alabama and is the official publication of such acts.

Don Siegelman  
Secretary of State

# ALABAMA LAWS

## and Joint Resolutions

### THIRD SPECIAL SESSION 1982

Act No. 82-794

H. 42—Rep. Clark (G)

#### AN ACT

To propose an amendment to the Constitution of 1901, to repeal amendment number 236, relating to the compensation of certain officers of Greene County.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The following amendment to the Constitution of Alabama of 1901 is proposed, and shall become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

#### PROPOSED AMENDMENT

Amendment No. 236 of the Constitution of 1901, relating to the compensation of certain officers of Greene County, is hereby repealed.

The provisions of this constitutional amendment shall not be implemented in Greene County until implementation is approved by a vote of a majority of the qualified electors of Greene County voting in an election called by the county governing body to determine said issue; provided, however, that if a majority of the qualified electors of Greene County who participate in the election held on the adoption of this amendment vote in favor thereof, no further election need be held.

**Section 2.** An election upon the proposed amendment is ordered to be held on the date of the general election next succeeding the final adjournment of the current session of the legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

**Section 3.** Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

#### CONSTITUTIONAL AMENDMENT

Passed the House August 11, 1982

Passed the Senate August 13, 1982

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Act No. 82-795

H. 127—Rep. Reed

### AN ACT

Proposing an amendment to the Constitution of Alabama 1901, further providing for the membership and powers of the Bullock County Development Authority; authorizing said authority to develop, manage and maintain or assist a public building authority in the financing of county jail facilities and other county buildings; excluding a county lease of such facilities from the county's debt limit; validating Act No. 81-838 of the 1981 Regular Session; limiting the amount and duration of the jail and county building taxes authorized by said Act or by Act No. 81-1028 of the 1981 Second Special Session; providing for the state revenue department to collect certain county industrial taxes; and repealing an earlier act proposing a similar amendment.

#### *Be It Enacted by the Legislature of Alabama:*

**Section 1.** The following amendment to the Constitution of Alabama is proposed and shall become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the governor:

#### PROPOSED AMENDMENT

As used in this amendment, "the authority" means the Bullock County Development Authority authorized and established pursuant to Amendment 128 to this Constitution; "board" means the governing body of the authority; "member" means a member of the board; "commission" means the Bullock County Commission; "jail and county buildings" means the Bullock County jail or other facility for holding prisoners and shall include any building owned and construed by the county or a building authority and occupied by the county, or a state or federal government agency or entity; "building authority" means the entity established or to be established to finance and construct a jail and county buildings; and "industrial tax" means the tax authorized and imposed under the authority of Amendment 128 of this Constitution.

The authority is hereby granted continuing and permanent status. The membership of the authority is hereby fixed at seven (7). Each member shall serve a term of six (6) years and shall not serve more than two consecutive terms; provided however, that a member shall continue to serve until a successor is appointed. When a vacancy occurs or upon expiration of a term of a member, the remaining members shall nominate three reputable citizens interested in county development and present their names to the commission which by

majority vote shall appoint one of the nominees to the board. If the commission fails to appoint one of the original nominees, the remaining members shall nominate three additional citizens in accordance with the aforementioned procedure. If the commission fails to appoint one of the six nominees, then the remaining members shall continue to submit nominees according to the aforementioned procedure until the commission appoints a member.

All expenditures, bids and contracts respecting the industrial tax, except those made by the building authority, shall be in the name and under the control of the authority; provided, however, except as provided in the third sentence of this paragraph, no industrial tax funds shall hereafter be expended without the approval of the commission. The authority may borrow money and expend funds for educational and health purposes and to enhance or develop other resources for the purpose of attracting industry to Bullock County. The authority may expend or appropriate or pledge or contract to pay over to the building authority for as long as its original issue of bonds or warrants is outstanding not more than one-half of the industrial tax revenues, subject to all prior commitments thereof for debt service, debt retirement or other debt repayment, for the purpose of constructing, financing or maintaining a jail or county buildings, or to assist the building authority in doing so, or for educational purposes, provided that such expenditures shall not impair the debts of the authority, and the industrial tax shall not be pledged to secure debts incurred for construction or maintenance or any other purposes except those provided for in this amendment or in Amendment 128 to this Constitution.

The rentals and obligations of the County under any lease entered into by the County with the building authority shall not be charged against the County's constitutional debt limit, regardless of the duration of the lease.

Act No. 81-838 of the 1981 Regular Session is hereby validated and declared to be fully effective according to its scope and tenor. The tax authorized by said Act or by Act No. 81-1028 of the 1981 Second Special Session and any other tax for a jail or county buildings authorized by any act of the legislature in the 1981 or 1982 regular or special sessions shall not exceed one-half of one percent and any such tax shall be imposed only until the original issue of bonds or warrants for such construction is paid.

The tax authorized and permitted by Sections 40-12-4 through 40-12-8 of the Code of Alabama 1975 for educational purposes is hereby fixed at one-half of one percent in Bullock County. Provided, however, the commission may levy an additional one-half of one percent tax provided by the aforementioned code section if the county

board of education revenues fall below 1980-81 levels from all sources including funding provided by the authority. The industrial tax is hereby declared to parallel the state sales and use taxes and such tax shall be collected by the Alabama department of revenue.

Any changes in tax rates or tax collections required by this amendment shall be accomplished within ninety days from the effective date of this amendment.

**Section 2.** An election upon the proposed amendment is ordered to be held on the date of the general election next succeeding the final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

**Section 3.** Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

**Section 4.** Act No. 82-96 adopted at the 1982 Regular Session of the Legislature is hereby repealed.

#### CONSTITUTIONAL AMENDMENT

Passed the House August 11, 1982

Passed the Senate August 13, 1982

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Act No. 82-796

H.J.R. 5—Rep. Minus

#### HOUSE JOINT RESOLUTION

COMMENDING MR. B. B. WILLIAMSON OF LIVINGSTON, ALABAMA, ON HIS MANY YEARS OF SERVICE TO THE COMMUNITY AND THE STATE

WHEREAS, the Legislature of Alabama takes great pride in noting that Mr. B. B. Williamson of Livingston, Alabama, retired from the Alabama Cooperative Extension Service on August 31, 1981; and

WHEREAS, Mr. Williamson was born in Frisco City, Alabama, and he graduated from Moore Academy in Pineapple, Alabama; he continued his education at Auburn University where he graduated in 1942; and

WHEREAS, B. B. Williamson has served with honor and distinction in various capacities with the Alabama Cooperative Extension Service for over 40 years and is recognized through the State of Alabama as an outstanding county agent; and

WHEREAS, he has been a leader in Livingston and in Sumter County, having held numerous offices in civic organizations, serving in the Livingston First Baptist Church where he is a choir member and a deacon, and is a devoted husband to his lovely wife Mabel; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend B. B. Williamson on his many years of outstanding public service and further extend our appreciation to him for all his efforts on behalf of its citizens, and wish him well in his future endeavors.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Williamson that he may know of our sincere praise, appreciation and warm personal regards.

Approved August 20, 1982

Time: 5:00 P.M.

Act No. 82-797

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H.J.R. 7— Reps. Holley, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker,



Patton, Payne, Pegues, Penry,  
 Rains, Ray, Reed, Riddick,  
 Roberts, Sandusky, Sasser,  
 Seibels, Shavers, Shoemaker,  
 Smith (C), Smith (J), Smith (M),  
 Starkey, Stewart, Stout,  
 Trammell, Tucker, Turner,  
 Turnham, Venable, Waggoner,  
 Ward, Warren, Whatley,  
 Williams, Willis, Wyatt, Zoghby

### HOUSE JOINT RESOLUTION

#### MOURNING THE DEATH OF MR. LEWEY STEPHENS, JR., OF ELBA, ALABAMA.

WHEREAS, the Alabama Legislature has grievously noted the death of Mr. Lewey Stephens, Jr., of Elba, Alabama, on July 4, 1982, at the age of 57 years; and

WHEREAS, though a native of New Brockton, Mr. Stephens was a longtime resident of Elba where he served as district attorney from 1952 until 1957, at which time he entered the private practice of law; he again assumed the office of district attorney in 1964 and served until 1978, to continue in supernumerary office until his death; and

WHEREAS, Mr. Stephens, who was a graduate of the University of Alabama's School of Law, also served his profession in numerous other capacities such as membership on the Committee to Implement the New Judicial Constitutional Amendment; Committee to Rewrite the Criminal Code of Alabama and the Study Commission on Criminal Procedure; and

WHEREAS, he further was a Fellow in Residence at the University of Alabama Law Center, was active with the University of Alabama Law Enforcement Academy and, at the time of his death, was serving as chairman of the forms committee of the United Judicial System and was a member of the Criminal Rules Committee, advisory section of the Judicial Study Commission, and was acting director of the Office of Prosecution Services; and

WHEREAS, Mr. Stephens was a past president of the Alabama District Attorneys Association, a member of Phi Alpha Delta, and of the Elba United Methodist Church; and

WHEREAS, a combat veteran of World War II and of the Korean Conflict, he retired in 1980 as a Colonel with the Alabama National Guard following some 31 years of service with various guard

units including field artillery, infantry divisions and headquarters support groups; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Mr. Lewey Stephens, Jr., a distinguished Alabama jurist and American patriot.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for his wife, Mrs. Gayle Stephens, his mother, Mrs. Mary Stephens, and for his children and other family members whose deep sorrow we truly share.

Approved August 20, 1982

Time: 5:00 P.M.

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Act No. 82-798

H.J.R. 10—Rep. Smith (C)

### HOUSE JOINT RESOLUTION

COMMENDING AND EXTENDING BEST WISHES TO JOEY MARTIN, CLANTON, ALABAMA.

WHEREAS, the Alabama Legislature notes that in May 1981 young Joey Martin was paralyzed when he broke his neck by diving into a creek and he spent almost a year in hospitals undergoing surgery, receiving extensive physical and occupational therapy and in which he experienced many setbacks and discouragements; and

WHEREAS, Joey Martin, the son of Mrs. Inez Martin and the late Mr. Joe M. Martin, Clanton, Alabama, has demonstrated exemplary courage beyond his years; and

WHEREAS, less than six months ago this feisty young man, Joey Martin, slowly began learning to again swim and became so proficient at swimming he was chosen to be a member of the Lakeshore Swimming Team while undergoing rehabilitation and evaluation at Lakeshore Hospital in Birmingham, Alabama; and

WHEREAS, Joey Martin, since April 1982, has excelled in his swimming competition, winning: first place in each the 25-yard breaststroke and 25-yard butterfly and the 50-yard back freestyle at the 13th Annual Alabama Wheelchair Games at Lakeshore; in the Dixie Regional Wheelchair Games at Athens, Georgia, he added first place in each the breaststroke, butterfly, and back freestyle and second place in the front freestyle; in the East Tennessee Wheelchair Games at Johnson City, Tennessee, he captured three first gold medals for the 25-yard freestyle, 75-yard individual medley, and 25-

yard breaststroke, one second place silver medal for the 25-yard backstroke and one third place bronze medal in Javelin; and

WHEREAS, at the First Annual Lakeshore Invitational Swim Meet in Birmingham, Alabama, on June 13, 1982, Joey Martin, having won more events than any other participant, garnering six medals for the 25-yard free, 25-yard breaststroke, 50-yard backstroke, 25-yard backstroke, 50-yard breaststroke and 25-yard butterfly and on June 27, 1982, in Marshall, Minnesota, at the National Wheelchair Games he excelled in the National competition by earning one first place gold medal, one second place silver medal and two third place bronze medals and also came within two-hundredths of a second tying the all-time national record for the butterfly; and

WHEREAS, Joey Martin's determination and valiant efforts in spite of personal sacrifice and many hardships and physical pain are an inspiration to all our citizens and we share in his family's happiness at his phenomenal improvement; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do extend best wishes to Joey Martin for his continued improvement and commend him for his exemplary courage.

BE IT FURTHER RESOLVED, That we do send a copy of this resolution to Joey Martin and to his family.

Approved August 20, 1982

Time: 5:00 P.M.

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Act No. 82-799

H.J.R. 11—Reps. Minus, Manley

### HOUSE JOINT RESOLUTION

CHANGING THE ELECTION DATE FOR THE CONSTITUTIONAL AMENDMENT PROPOSED BY ACT 82-689.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the election date for the constitutional amendment proposed by Act 82-689, H. 7, 1982 2nd Special Session is hereby changed to the first general election next succeeding two years from the effective date of this resolution.

Approved August 20, 1982

Time: 5:00 P.M.

Act No. 82-800

H.J.R. 14—Rep. Waggoner

## HOUSE JOINT RESOLUTION

COMMENDING MRS. ALYCE BILLINGS WALKER, PROMINENT BIRMINGHAM CIVIC AND CULTURAL LEADER.

WHEREAS, Mrs. Alyce Billings Walker, a native and lifelong resident of Birmingham and Jefferson County, attended Birmingham-Southern College and graduated, cum laude, from Judson College in Marion, Alabama; and

WHEREAS, following a one-year tenure with the Birmingham Public Schools, Mrs. Walker joined the Birmingham Post (now Post-Herald) as Society Editor from 1929 to 1942; and

WHEREAS, Mrs. Walker then served, from 1943 until retirement in 1969, as reporter-feature writer for The Birmingham News, as Director of the News-Age-Herald Women's Department, as Editor of the News Women's Department and as the publication's associate editor; and

WHEREAS, since her retirement, Mrs. Walker has pursued a varied career as a special salesperson with Brownell Travel Bureau, consultant-teacher for Southern Institute and as a free lance writer with several special publications to her credit; and

WHEREAS, in addition to the immense responsibilities of her newspaper career, Mrs. Walker also through the years has assumed numerous additional duties relative to the civic and cultural affairs of her community; and

WHEREAS, Mrs. Walker's past and current involvement include: The Birmingham Symphony Orchestra; Jefferson County Coordinating Council of Social Forces; Alabama Committee on Oral Communication; Birmingham Art Association; Friends of the Museum; Zeta Tau Alpha Sorority; Jefferson County Family Service Association; Jefferson County Literacy Movement; Executive Committee, Birmingham Festival of Arts; Arlington and Jefferson County Historical Associations; Alabama Society, Crippled Children and Adults; Town and Gown Theater; Advisory Board, Alabama Practical Nurse Program; Governor's Advisory Committee for 1962 White House Conference on Aging; Advisory Board, Jefferson County Juvenile and Domestic Relations Court; Theta Sigma Phi Journalism Society; Women's National Press Club; Episcopal Church of the Advent; Birmingham Music Club and many others; and

WHEREAS, she further is the recipient of a multitude of awards and honors such as Alabama Journalist of the Year; Judson College

Alumnae of the Year; Who's Who in American Women; Life Memberships in Alabama Congress of Parents and Teachers, The Garden Club of Alabama, the Birmingham Women's Club House and Birmingham Beautification Board; several prestigious citations for journalistic accomplishments, as well as commendations in numerous other fields; and

WHEREAS most recently, Mrs. Walker has been significantly involved with the Festival of Arts, and in her capacity as chairman of the Birmingham Beautification Board, one of only a few women to serve more than one term as BBB Chairman and a position of inordinate responsibility and positive community impact; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly praise and commend Mrs. Alyce Billings Walker of Birmingham, Alabama, for outstanding achievement and for her extraordinary contributions, in all areas, to the community.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Mrs. Walker on the occasion of a birthday celebration to be held in her honor, and in concurring sentiment with the gratitude, admiration and regard of those who would pay tribute to such an outstanding lady.

Approved August 20, 1982

Time: 5:00 P.M.

Act No. 82-801

H.J.R. 16—Rep. Kennedy

#### HOUSE JOINT RESOLUTION

COMMENDING THE REVEREND G. M. FRAZIER, PRESIDING ELDER OF THE CHRISTIAN METHODIST EPISCOPAL CHURCH.

WHEREAS, the Reverend G. M. Frazier is an outstanding proven leader, a successful minister and, for the past 18 years, Presiding Elder of the Christian Methodist Episcopal Church; and

WHEREAS, as a former pastor of numerous CME Churches in Walker and Pickens Counties, Alabama, and also of Saint Paul CME Church in Bessemer, Alabama, the Reverend Frazier led the following Alabama churches in building beautiful new edifices: Coal Valley CME Church in Coal Valley; Noble Chapel CME in Birmingham; Freeman Chapel CME, Lafayette; Saint Stephens CME, Riverview; Phillips Temple CME of Phenix City; John Wesley CME Church in Opelika; Ebernezer CME Church, Loachapoka; Oak Grove CME

Church in Alexander City; Macedonia CME Church of Goshen and Ferguson Chapel CME Church, also in Opelika; and

WHEREAS, the Reverend Frazier, as Presiding Elder additionally, through encouragement, was responsible for the erection of a number of new facilities including the Mount Zion, Saint Marks, Saint Paul, Pleasant Grove, Shady Grove, Saint Luke and Rehobeth CME Churches in the communities of Smiths, Motts, Crawford, Union Springs, Salem, Auburn and Letohatchee, Alabama, respectively; and

WHEREAS, also during his illustrious tenure as Presiding Elder, for the past 18 years, he has been the deserving recipient of numerous awards and honors including the Outstanding Service Award at the General Conference of the CME Church in May 1982, and an Honorary Doctorate from Miles College, which institution he serves as a member of the Executive Board of the Board of Trustees; and

WHEREAS, the Reverend Frazier, who is a Thirty-second degree Mason, resides in Birmingham, Alabama, with his devoted wife of many years, Mrs. Annie Mae Frazier; and

WHEREAS, it is to be noted that in deep gratitude and thanksgiving for his outstanding service to the Christian Methodist Episcopal Church and to numerous Alabama communities, a three-day celebration is to be held in his honor August 13-15, 1982, at Ferguson Chapel CME Church, Opelika, Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in consensus sentiment with those he has served with dedicated devotion, we most highly praise and commend the Reverend G. M. Frazier, Presiding Elder of the CME Church, and direct that he be presented with a copy of this resolution in small token of our utmost regard.

Approved August 20, 1982

Time: 5:00 P.M.

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Act No. 82-802

H.J.R. 17— Rep. Turnham

#### HOUSE JOINT RESOLUTION

#### COMMENDING ALABAMA COMMISSION ON HIGHER EDUCATION FOR ESTABLISHING A CITIZEN'S ADVISORY PANEL

WHEREAS, Alabamians have made a major financial commitment to the development of higher education programs and facilities over the past twenty years, and

WHEREAS, this commitment has been instrumental in enabling thousands of Alabamians to pursue higher education opportunities, and

WHEREAS, periods of rapid growth and expansion require a period of evaluation in order for priorities to be established, and

WHEREAS, comprehensive statewide planning can facilitate the establishment of such priorities as well as provide for the effective distribution and utilization of state resources, and

WHEREAS, the Alabama Commission on Higher Education has established a citizen's advisory panel consisting of outstanding Alabamians who have distinguished themselves in varying walks of life to study and make recommendations on the role of higher education in Alabama's future; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature of Alabama hereby endorse this action and offer their whole hearted support of the work of this citizen's advisory panel.

Approved August 20, 1982

Time: 5:00 P.M.

Act No. 82-803

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H.J.R. 18—Reps. Hammett, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues,

Penry, Rains, Ray, Reed, Riddick,  
 Roberts, Sandusky, Sasser,  
 Seibels, Shavers, Shoemaker,  
 Smith (C), Smith (J), Smith (M),  
 Starkey, Stewart, Stout,  
 Trammell, Tucker, Turner,  
 Turnham, Venable, Waggoner,  
 Ward, Warren, Whatley,  
 Williams, Willis, Wyatt, Zoghby

### HOUSE JOINT RESOLUTION

**MOURNING THE DEATH OF MR. WALTER FRANK JACKSON OF OPP, FORMER MEMBER OF THE ALABAMA HOUSE OF REPRESENTATIVES.**

WHEREAS, it is with deep sorrow and regret that the Legislature of Alabama notes the death of Mr. Walter Frank Jackson of Opp, Alabama, on July 4, 1982, at the age of 67 years; and

WHEREAS, though a native of Shelby County, Mr. Jackson had been a resident of Opp for some 36 years and was a former, longtime member of the Alabama House of Representatives from the Covington County area; he also was a former two-term member of the Opp City Council and was a charter member and past president of the Opp Lions Club; and

WHEREAS, in further civic and community involvement, Mr. Jackson had been a member of the Opp City Board of Education, president of the Opp Chamber of Commerce for two one-year terms, was a Worshipful Master of Opp Lodge Number 605, and was a deacon of the First Baptist Church of Opp as well as Sunday School Superintendent; and

WHEREAS, Mr. Jackson, whose contributions encompassed numerous areas, was perhaps most particularly known for his instrumentality in the initiation of the park project that is planned for the Lightwood Knot Creek area near Opp and which has been named in his honor by Act of the Alabama Legislature; and

WHEREAS, the death of our good friend and former colleague has indeed left a deep void in the lives of his family and many friends, and his loss to the community and state is one that is sorrowfully shared by all those privileged to know him as a man of deep commitment to others and to the well-being of those less fortunate than he; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously**



mourn the death of Mr. Walter Frank Jackson and extend our deepest sympathy to his wife, Mrs. Mary Jackson, to his three daughters, and other family members to whom a copy of this resolution shall be sent.

Approved August 20, 1982

Time: 5:00 P.M.

Act No. 82-804

H.J.R. 6—Rep. Turnham

### HOUSE JOINT RESOLUTION

PROVIDING FOR A JOINT MEETING OF THE HOUSE AND SENATE AS A COMMITTEE OF THE WHOLE TO DETERMINE THE EXTENT OF THE REPORTED FISCAL CRISIS IN THE STATE GENERAL FUND AND TO DETERMINE THE GENERAL FISCAL CONDITION OF THE STATE OF ALABAMA.

WHEREAS, a financial crisis of unknown proportion is reported to exist in the State's General Fund; and

WHEREAS, the crisis is reported to be of such magnitude as to prompt the finance director, while still only in the third quarter, to suspend all purchases and travel by state agencies on May 26, 1982; and

WHEREAS, the State Director of Finance, in his letter to all state agencies, suspended all authority for purchasing and advised that only "emergency requisitions which are absolutely essential" would be approved and "curtailed all out-of-state travel and reduced in-state travel as much as possible"; the Director of Finance stated that such move would certainly impact upon the various agencies but was necessary to protect the General Fund; and

WHEREAS, the fiscal condition of the state has further deteriorated in the two and one-half months following the May 26 action of the Director of Finance; and

WHEREAS, the Director of Finance has now ordered an emergency sale of additional oil leases and a furlough of certain employees; and

WHEREAS, the State has most recently borrowed approximately one-half billion dollars; and

WHEREAS, a re-assessing of the priorities insofar as the expenditure of what remains of the approximately one-half billion dollars may be in order; and

WHEREAS, a more detailed accounting of state finances certainly is needed by the Legislature before this session be adjourned; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That following adjournment of the Legislature on the 4th legislative day, the House and Senate meet in joint session as a committee of the whole to consider the financial crisis in the State of Alabama. The Lieutenant Governor and the Speaker of the House of Representatives or their nominees shall serve as joint chairmen.

RESOLVED FURTHER, That the Clerk of the House and the Secretary of the Senate schedule the appearances of the State Treasurer, the State Comptroller, the State Budget Officer, and the State Finance Director before the committee to give testimony relative to the financial condition of the State of Alabama.

RESOLVED FURTHER, That the committee shall meet from day to day until its work is completed.

Approved August 20, 1982

Time: 5:00 P.M.

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Act No. 82-805

H.J.R. 20—Rep. McCorquodale

### HOUSE JOINT RESOLUTION

#### COMMENDING THE THOMASVILLE, ALABAMA, VOLUNTEER FIRE DEPARTMENT.

WHEREAS, the Alabama Legislature notes with utmost commendation the acquisition of a Class 4 rating by the Thomasville, Alabama, Volunteer Fire Department; and

WHEREAS, the department's higher ranking, the result of an extensive evaluation of the Insurance Services Office in Montgomery, will effectuate a decrease in fire insurance premiums both for the residents of Thomasville and for those residing within five miles of either of the city's two stations; and

WHEREAS, it further is to be noted that with the new, improved rating, up from a previous "8" classification, Thomasville is now one of only two cities in the State of Alabama with volunteer fire departments to have achieved a Class 4 rating; and

WHEREAS, the citizens of the Thomasville are also now enjoying an increased sense of security with the improved capability of their

fire protection agency as recently rated by the ISO Montgomery bureau; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend the Thomasville, Alabama, Volunteer Fire Department for outstanding accomplishment and direct that a copy of this resolution be sent to Chief Roy Mott, Jr., on behalf of the entire department.

Approved August 20, 1982

Time: 5:00 P.M.

Act No. 82-806

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H.J.R. 26—Reps. Harper (T), Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R.G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner,

Ward, Warren, Whatley,  
Williams, Willis, Wyatt, Zoghby.

### HOUSE JOINT RESOLUTION

#### MOURNING THE DEATH OF MR. JON ARCHER OF MOBILE COUNTY, ALABAMA.

WHEREAS, the Legislature of Alabama is grievously saddened by the death of Mr. Jon Archer of Mobile County, Alabama, on Sunday August 1, 1982; and

WHEREAS, Mr. Archer, though a native Texan, had been a resident of the Mobile area for some 30 years and, at the time of his death, was serving as a member of the Mobile County Commission; and

WHEREAS, Commissioner Archer was a graduate of Springhill College, a United States Army veteran and a prominent Mobile businessman whose interests included a successful hardware and lumber business, a large cattle company and property acquisitions in Alabama, Mississippi and Texas as well; and

WHEREAS, he was a member and past president of the Mobile County Cattleman's Association, an involved member of the Mobile Jaycees, the Tillmans Corner Lions Club, George U. Potter Lodge 912 F &AM, and a member also of one of Mobile's mystic societies; and

WHEREAS, the untimely death of Mr. Jon Archer has left a deep void in the business and political affairs of his community, and in the social, civic and charitable areas which he also served to the well-being and betterment of the entire community and all its citizens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Mobile County Commissioner Jon Archer and extend our most heartfelt sympathy to his wife and family to whom a copy of this resolution shall be sent.

Approved August 20, 1982

Time: 5:00 P.M.

**COMMENDING THE GRAND BAY DIXIE YOUTH BASEBALL STATE CHAMPIONS.**

WHEREAS, the Alabama Legislature is pleased to note the 1982 Dixie Youth Championship captured by Grand Bay, the first District 7 representative to win the title since the tournament's inception in 1966; and

WHEREAS, Grand Bay dominated the Dixie Youth 11-12 state tourney with a perfect record, beating Decatur, 12-4, in the title match recently held on the Auburn University-Montgomery Campus; and

WHEREAS, Grand Bay's triumph followed clean sweeps in the subdistrict and district tournaments, as well, with a perfect 8-0, boosted to 12-0 after competition on the state level; and

WHEREAS, this South Alabama powerhouse now advances to the Dixie Youth World Series to be held in Mississippi meeting the North Carolina Champs in the first game of the Series; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we both congratulate and commend our Grand Bay Dixie Youth State Champions; we further wish them well in national competition and direct that the team receive a copy of this resolution in token of our sincere congratulations and praise.

Approved August 20, 1982

Time: 5:00 P.M.

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Act No. 82-808

H.J.R. 30—Rep. Harper (T)

**HOUSE JOINT RESOLUTION**

**COMMENDING MR. BOB BOSARGE AS VFW ALL-AMERICAN POST COMMANDER FOR 1981-82.**

WHEREAS, The Alabama Legislature notes with great pride and pleasure the selection of Mr. Bob Bosarge of VFW Post 49 in Mobile as All-American Post Commander of 1981-1982; and

WHEREAS, with his selection for this coveted national title, Mr. Bosarge, who is a native and former resident of Bayou La Batre, became one of only 45 Post Commanders in the United States to be chosen for All-American status; and

WHEREAS, the competition involved more than 100,000 Post Commanders with the final selection based on outstanding achieve-

ment in the areas of membership, youth activities, Buddy Poppy Sales and community programs; and

WHEREAS, it also is to be noted that with Mr. Bosarge's selection to All-American status, VFW Post 49, which he served as immediate past commander, was designated number-one in the world, a result of the leadership and direction of Mr. Bosarge; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly praise and commend Mr. Bob Bosarge as VFW All-American Post Commander, and direct that he receive a copy of this resolution in small token of our warm praise and esteem.

Approved August 20, 1982

Time: 5:00 P.M.

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Act No. 82-809

H.J.R. 27—Rep. Cates

### HOUSE JOINT RESOLUTION

NAMING A PORTION OF CRENSHAW COUNTY ROAD 41 IN HONOR OF THE LATE MR. REX SIKES.

WHEREAS, the late Mr. Rex Sikes, a native and lifelong resident of Crenshaw County, was a prominent businessman, civic leader and political figure of his community and that area of our State; and

WHEREAS, in gratitude for his many contributions, it is entirely fitting that Mr. Sikes' memory be perpetuated through appropriate commemoration; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the portion of Crenshaw County Road 41, from Brantley, Alabama, North to the Glenwood Road, and heretofore known as the Old Brantley Highway, shall henceforth and forever be named, "The Rex Sikes Road."

BE IT FURTHER RESOLVED, That the proper authorities are directed to erect and maintain appropriate signs and markers so designating said road as, "The Rex Sikes Road."

RESOLVED FURTHER, That a copy of this resolution be provided for Mrs. Rex Sikes in token of this commemorative designation in honor of her late husband.

Approved August 20, 1982

Time: 5:00 P.M.

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Act No. 82-810

H.J.R. 48—Rep. McMillan

## HOUSE JOINT RESOLUTION

AUTHORIZING THE ERECTION OF A DAM ON SMITH'S LAKE IN BALDWIN COUNTY.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State of Alabama and the Alabama Legislature hereby consent to the placement of a dam on Smith's Lake in Baldwin County on property located in Section 22, Township 3 North, Range 3 East; provided, however, approval must be obtained from the federal government, any and all adjoining property owners and all appropriate state agencies prior to erection of the dam.

Approved August 20, 1982

Time: 5:00 P.M.

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Act No. 82-811

S.J.R. 3—Mr. Higginbotham

## SENATE JOINT RESOLUTION

COMMENDING AND CONGRATULATING THE PHENIX CITY HAWKS AS OUR NEW STATE SOFTBALL CHAMPIONS.

WHEREAS, the Alabama Legislature is pleased to extend warm congratulations to the Phenix City Hawks on their come-from-behind victory over Heavy Duty Tire Company of Tuscaloosa to claim the State Championship, the first time in 12 years of play for the Lakewood Girls Softball Association; and

WHEREAS, Coaches George Whitmer, Varner Head and Cecil Smith took their slow-pitch softball team to Tuscaloosa where the 13 to 15 year-old girls won eight out of nine games during the three days of state competition; and

WHEREAS, by virtue of their state Title, the Phenix City Hawks have traveled to Hollywood, Florida, to compete with three other state championship teams for the regional crown; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend the Phenix City Hawks and their coaches for outstanding accomplishment and direct that they receive copies of this resolution in declaration of our warm congratulations and regard.

Approved August 20, 1982

Time: 5:00 P.M.

Act No. 82-812

S.J.R. 4—Mr. Higginbotham

SENATE JOINT RESOLUTION

CONGRATULATING PHENIX CITY CHAMPIONS OF THE  
STATE DIXIE MAJORS BASEBALL TOURNAMENT.

WHEREAS, it is with great pleasure that the Alabama Legislature extends heartiest congratulations to Phenix City on the Alabama Dixie Majors State Baseball Championship; and

WHEREAS, unbeaten in District play, Phenix City claimed the title with a 4-3 victory over Tuscaloosa, going into the final game 5-0 in the tournament; and

WHEREAS, Phenix City's five big "wins" before the title game included two over both Tuscaloosa and Troy, as well as two against Montgomery Grey, the defending state champions; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate Phenix City as the new State Dixie Majors Baseball Champions.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the team in expression of the Legislature's sincere warm praise for this outstanding accomplishment.

Approved August 20, 1982

Time: 5:00 P.M.

Act No. 82-813

S.J.R. 5—Mr. Teague (B)

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF REVEREND W. J. POWELL

WHEREAS, the Legislature of Alabama grievously notes the death of Reverend W. J. Powell of the Oak Street AME Zion Church; Wednesday, August 4, 1982; and



WHEREAS, he was instrumental in securing the deeds for the Old AME Zion Church here in Montgomery; and

WHEREAS, he was active in community as well as church life of this City; and

WHEREAS, he was one of the key personalities in the Montgomery bus boycott, serving as the First Vice President under the late Dr. Martin Luther King; and

WHEREAS, he was Secretary and a Board Member of the Montgomery Improvement Association; and

WHEREAS, for two years he served as President of the Emancipation Proclamation here in Montgomery.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA BOTH HOUSES THEREOF CONCURRING, that we are deeply saddened by the death of Reverend Powell and extend our most heartfelt sympathy to all members of his family.

Approved August 20, 1982

Time: 5:00 P.M.

Act No. 82-814

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S.J.R. 7—Messrs. Miller, Bailey, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gullede, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague (B), Teague (J), Vacca, Weeks, and White

#### SENATE JOINT RESOLUTION

MOURNING THE DEATH OF MR. LEWEY STEPHENS, JR., OF ELBA, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Alabama Senate notes the untimely death of Mr. Lewey Stephens, Jr., of Elba, Alabama, on July 4, 1982, at the early age of just 57 years; and

WHEREAS, a native of New Brockton, Alabama, Mr. Stephens had practiced law in Elba since graduation from the University of Alabama and the University's School of Law; and

WHEREAS, he served as District Attorney of Coffee and Pike Counties from 1952 to 1957 and again from 1964 until 1969; he further served, on special assignment by the Attorney General of Alabama, as District Attorney for Escambia and for Covington Counties, as well; and

WHEREAS, he had been a member of both the Judicial Article and the Criminal Code Revision Committees, the Alabama Rules of Criminal Procedure Committee, Advisor to the Judicial College, an interim Director of the Office of Prosecution Services, and was a Fellow of the Alabama Law Institute; and

WHEREAS, Mr. Stephens also served from 1977 to 1979 as Reporter and Chairman of the Form Indictment Committee to draft a uniform set of warrants and indictments for use with Alabama's new Criminal Code; he lectured as well to lawyers, judges, district attorneys and law enforcement officials on the new Criminal Code and, in 1978, served as consultant to the Law Institute and the University of Alabama School of Social Work on the study of jury utilization; and

WHEREAS, he was a member of the Alabama National Guard for some 31 years, retiring in 1980 with the rank of Colonel; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mr. Lewey Stephens, Jr., of Elba, Alabama, and extend our most heartfelt sympathy to his wife, Mrs. Gayle Stephens, to his Mother, Mrs. Mary Stephens, to his two daughters and three sons, and to other family members to whom a copy of this resolution shall be sent.

Approved August 20, 1982

Time: 5:00 P.M.

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Act No. 82-815

S.J.R. 9—Mr. Little

#### SENATE JOINT RESOLUTION

HONORING MRS. JULIA H. BERRY OF DADEVILLE, ALABAMA, UPON HER RECENT SELECTION AS PRESIDENT OF

# THE DEPARTMENT OF ALABAMA AMERICAN LEGION AUXILIARY.

WHEREAS, the Legislature of Alabama takes great pleasure in noting the recent selection of Mrs. Julia H. Berry of Dadeville, Alabama, as President of the Department of Alabama American Legion Auxiliary; and

WHEREAS, Mrs. Berry has held a variety of positions and offices within the Department including serving as Historian, Second Vice-President and Chairman of Children and Youth; in 1981, she served as First Vice-President and as the Chairman of Veterans Affairs and Rehabilitation; and

WHEREAS, as a member of the Dadeville Unit 143, she is currently the Treasurer, having served with distinction as President and all other offices in the Unit; she has been the President of District 24 for two years and has been chosen delegate to five national conventions; and

WHEREAS, under her leadership, the Auxiliary will stress, among other topics, programs involving Americanism, Children and Youth, Community Service, the Constitution, County Government, Education, Energy Conservation, Foreign Relations, and Legislation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly congratulate and commend Mrs. Julia H. Berry of Dadeville upon her recent selection as President of the Department of Alabama American Legion Auxiliary.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mrs. Berry as evidence of our esteem and warm personal regard.

Approved August 20, 1982

Time: 5:00 P.M.

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Act No. 82-816

S.J.R. 10—Mr. Kirkland

## SENATE JOINT RESOLUTION

EXTENDING THE COST AND EXPENSE ALLOWANCE  
FOR THE LEGISLATIVE FORESTRY STUDY COMMITTEE.

WHEREAS, The Legislative Forestry Study Committee, established by the Alabama Legislature, has had many meetings, hearings and its members have conducted an exhaustive study; and

WHEREAS, it is in the best interest of the Alabama Legislature to have this committee do additional studies and research into the area of its responsibilities; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby allocated an additional sum sufficient to cover the costs and expense allowances authorized for the committee, not to exceed \$5,000, which shall be paid from any funds appropriated for the use of the Legislature.

Approved August 20, 1982

Time: 5:00 P.M.

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Act No. 82-817

S.J.R. 12—Mr. White

### SENATE JOINT RESOLUTION

#### URGING THE COURTS TO HOLD RESTITUTION HEARINGS.

WHEREAS, the Alabama Legislature in 1980 recognized the importance of a hearing to determine the amount or type of restitution due a victim as a result of a defendant's criminal acts; and

WHEREAS, the Legislature passed Act No. 80-588, 1980 Regular Session (now appearing as Article 4A, Chapter 18, Title 15, Code of Alabama 1975), requiring that restitution hearings be held as a matter of course; and

WHEREAS, said statute mandates that such restitution hearings be held; and

WHEREAS, the Legislature notes that in some instances courts have not complied with the statute; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we respectfully urge the courts of this state to hold restitution hearings in compliance with Section 15-18-67, Code of Alabama 1975.

BE IT FURTHER RESOLVED, That the Administrative Office of Courts, each district and circuit judge and each district attorney receive a copy of this resolution.

Approved August 20, 1982

Time: 5:00 P.M.

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Act No. 82-818

S.J.R. 13—Messrs. Harrison and Taylor

SENATE JOINT RESOLUTION

CREATING A JOINT INTERIM COMMITTEE TO STUDY  
FORT TOULOUSE-FORT JACKSON

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created an interim committee to study Fort Toulouse-Fort Jackson. Said committee shall consider all relevant aspects of said fort, including the excavation plan, control, funding, promotion and operation.

Said committee shall be composed of the two senators who represent Elmore County, the two representatives who represent Elmore County and one additional representative and one additional senator to be appointed by their respective presiding officers.

Upon request of the committee, the Secretary of the Senate and the Clerk of the House shall provide clerical assistance as it may be necessary for the committee's work.

Said committee shall report its findings, conclusions and recommendations to the Legislature not later than the 5th day of the next Regular Session, at which time the committee shall be abolished.

Members of the committee shall receive no additional pay for duties performed as a committee member.

Approved August 20, 1982

Time: 5:00 P.M.

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Act No. 82-819

S.J.R. 14—Mr. Figures

SENATE JOINT RESOLUTION

COMMENDING MR. WILEY L. BOLDEN FOR OUTSTANDING SERVICE TO THE STATE.

WHEREAS, Mr. Wiley L. Bolden is a distinguished Alabamian, who was born about 90 years ago in Hale County, Alabama and has lived in Mobile, Alabama for over 60 years; and

WHEREAS, Mr. Bolden has been active in civil rights for most of his life and helped organize the NAACP (Mobile) in 1925 where he served as president until 1933; and

WHEREAS, Mr. Bolden has been instrumental in several successful civil rights cases including the successful challenge of the Boswell Amendment which sought to prevent Black Alabamians from becoming registered voters; and

WHEREAS, In 1975 Mr. Bolden joined with former State Representative John L. Leflore and other Black Mobilians to institute the now nationally significant voting rights case against the City of Mobile which bears his name and which case will result in representation by Blacks on the city government of Mobile for the first time in history; and

WHEREAS, Mr. Bolden is an active member of the Toulminville-Warren Street United Methodist Church, is a Mason and serves as Executive Secretary of the Non-Partisan Voters League; and

WHEREAS, Mr. Bolden is a husband, father, grandfather and great grandfather and is a man who by his life has demonstrated his commitment to and belief in working for the betterment of the world in which we live; and

WHEREAS, an appreciation dinner is set in his honor for August 20, 1982; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that the State of Alabama pay tribute to this outstanding citizen of the State on his day.

BE IT FURTHER RESOLVED, that a copy of this resolution be personally presented to Mr. Bolden on August 20th at the affair so stated in his honor.

Approved August 20, 1982

Time: 5:00 P.M.

COMMENDING MR. TONY KOURMOULIS OF PINSON, ALABAMA, FOR OUTSTANDING ATHLETIC ACCOMPLISHMENTS.

WHEREAS, young wrestler Tony Kourmoulis of Pinson, Alabama, is a 1982 graduate of Pinson Valley High School who has early achieved widespread recognition as a potential Olympic Champion; and

WHEREAS, Mr. Kourmoulis, as a member of the P.V.H.S. three-time state championship team, compiled an enviable 96-6-0 record in competition during his high school career; and

WHEREAS, on two occasions he was the Individual State Champion, was named Pinson Valley High School "Most Valuable Athlete" in 1982, and was Jefferson County "Most Valuable Wrestler" in 1980-81 and 1981-82 as well; and

WHEREAS, further, in pre-Olympic competition, this outstanding young Alabama wrestler won a Bronze Medal at the 1981 National Sports Festival and captured the Gold Medal in 1982; in competition in Los Angeles as a World Team Member, he was once again awarded the Bronze Medal; and

WHEREAS, not only is Tony Kourmoulis an extraordinary athlete, but a sincere young Christian who has allowed Christ to direct and control his activities, both in athletics and in his day-to-day living and inter-relations with others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly praise and commend Mr. Tony Kourmoulis of Pinson, Alabama, for outstanding accomplishments as an athlete, and further express our admiration and regard for him as a dedicated disciple of Christ.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Tony Kourmoulis that he may know of our warm best wishes for every future success in life.

Approved August 20, 1982

Time: 5:00 P.M.

**COMMENDING THE HOOVER ATHLETIC ASSOCIATION  
SENIOR DIVISION BASEBALL TEAM.**

WHEREAS, the seventeen and eighteen year old players of the Senior Division of the Dizzy Dean Baseball League have recently completed an outstanding season; and

WHEREAS, the Senior Division won the District Tournament of Jefferson County against strong competition from Vestavia, Cahaba Heights and Homewood; and

WHEREAS, the Senior Division went on to defeat Huntsville, Selma, Warrior, Hueytown, Midfield and Shelby County in the state tournament; and

WHEREAS, the Senior Division represented the State of Alabama in the Dizzy Dean World Series held in Montevallo against the representatives of seven other states, Tennessee, Louisiana, Mississippi, Florida, South Carolina, Georgia and Maryland; and

WHEREAS, the Senior Division, superbly coached by Michael Pretnar, Phil Noto, and Jerry Morgan, successfully won the series, defeating Maryland, Florida, Mississippi, and Tennessee; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily commend the Senior Division Hoover Athletic Association for their outstanding achievement in becoming the "World Champions."

RESOLVED FURTHER, That a copy of this resolution be sent each team member and coach.

Approved August 20, 1982

Time: 5:00 P.M.

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Act No. 82-822

H.J.R. 23—Rep. Carter

**HOUSE JOINT RESOLUTION**

**ENCOURAGING THE JOINT LEGISLATIVE PRISON  
OVERSIGHT COMMITTEE TO PETITION THE GOVERNOR  
AND ASSISTANT FINANCE DIRECTOR TO CAREFULLY  
CONSIDER ANOTHER SITE FOR THE NEW PRISON NOW  
BEING PROPOSED FOR LIMESTONE COUNTY.**



WHEREAS, the department of corrections is now proposing to build a new prison on a rather expensive site in Limestone County; and

WHEREAS, the state general fund is threatened with proration and state revenue projections for the next fiscal year are grim at best; and

WHEREAS, the people of Limestone County are deeply concerned over the social impact of having a prison located in their county; and

WHEREAS, more importantly, the cost per acre of the proposed site for this new prison is very expensive, now therefore;

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby encourage the joint legislative prison oversight committee to petition the Governor and assistant finance director to carefully consider another site for the new prison now being proposed for Limestone County.

RESOLVED FURTHER, That said committee also petition the Governor to have a social impact study of the proposed site conducted as soon as possible and that the Governor's office begin an immediate search for less expensive alternate sites for comparative purposes.

RESOLVED FURTHER, That a copy of this resolution shall be sent to the Governor, assistant finance director and each member of the joint legislative prison oversight committee.

Approved August 20, 1982

Time: 5:00 P.M.

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Act No. 82-823

H.J.R. 50—Rep. Rains

### HOUSE JOINT RESOLUTION

REQUESTING A CHANGE IN DUTY HOURS FOR STATE TELEPHONE OPERATORS ON SEPTEMBER 8 AND 9, 1982.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby request that the State telephone operators be required to remain on duty on September 8, 1982, beyond the normal closing hour of 11:30 p.m. and until 1:00 a.m. on September 9, 1982.

BE IT FURTHER RESOLVED, That the State Finance Department be advised, by copy of this resolution, of this request of the Legislature.

Approved August 22, 1982

Time: 5:00 P.M.

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Act No. 82-824

H.J.R. 51—Rep. Adams (H)

### HOUSE JOINT RESOLUTION

REQUESTING ALABAMA'S CONGRESSIONAL DELEGATION TO HEAR TESTIMONY FROM REPRESENTATIVES OF THE ALABAMA LEGISLATURE.

WHEREAS, the American economy is in a near depression state with unemployment at its highest level since it hit 25% in 1933 during the great depression; and

WHEREAS, interest rates have destroyed the ability of working Americans to buy the products that must be sold before the economy can possibly turn hard around; and

WHEREAS, small businesses are failing at an alarming rate, and many large corporate businesses are operating in a bankrupt posture as well; and

WHEREAS, the American farmer is hardest hit of all, because of high costs of production, including runaway interest and his total lack of control over the prices of the products he produces and sells; and

WHEREAS, the independent egg producers are now an endangered species, and great numbers of these small businessmen also are at the point of bankruptcy, jeopardizing the jobs of thousands of farm workers who are directly dependent upon the economic and operating ability of these egg-producing employers; and

WHEREAS, food costs are sensitive to the failure of these independent farmers and will respond unfavorably as producer-processor-marketer businesses fail; and

WHEREAS, a possibility exists, however, that these farm families and the jobs of these thousands of farm workers may be saved, without cost to the taxpayers, simply through concern, analysis, permissive legislation and some amount of guidance from the federal level; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we respectfully request Alabama's Congressional Delegation to make itself available to hear testimony from a committee of two people from the legislative House and Senate of Alabama, and should the recommendations of this committee appear to have merit, we would further request that the Alabama Congressional Delegation set a time and date for this committee to testify before the Joint Agriculture Committee of the Congress.

BE IT FURTHER RESOLVED, That we also respectfully request our Delegation to lend every possible assistance to the committee from the Alabama legislature in its effort to properly and effectively present its report and recommendations to the Joint Agriculture Committee of the Congress.

RESOLVED FURTHER, That copies of this resolution be delivered to each member of the Alabama Congressional Delegation with a request that when a date is set for the Alabama legislative committee to testify before the Delegation that the Chairman of the Senate Agricultural Committee, Mr. Hinton Mitchem, and Chairman of the House Agricultural Committee, Mr. Charles Whatley, be so notified.

Approved August 22, 1982

Time: 5:00 P.M.

Act No. 82-825

H.J.R. 52—Reps. Trammell, Biddle

### HOUSE JOINT RESOLUTION

COMMENDING STEVEN BLAIR WHITTEN OF MOUNT OLIVE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, Mr. Steven Blair Whitten of Mount Olive, Alabama, is a 1982 graduate of Gardendale High School, ranking second in a class of 215 students and with a 3.92 grade point average; he was Salutatorian, a member of the National Honor Society, a participant in the RLC program for the gifted and talented, and an Honor student, grades 7 through 12; and

WHEREAS, Mr. Whitten is the recipient also of numerous awards and honors for scholastic achievement and leadership in all areas, and most particularly in math and science; he further has been cited for his outstanding musical talent and ability as well as for his accomplishments and contributions in a number of extra-curricular activities; and

WHEREAS, we also note with utmost commendation that this outstanding young scholar has been selected, by Governor Fob James and the State Board of Education from students nominated statewide, to represent the State of Alabama at the National Youth Science Camp in Charleston, West Virginia, July 6—July 27, 1982; and

WHEREAS, Steve Whitten's selection for this recent, most signal honor was based upon his outstanding school record as well as his achievement in the fields of science and math; and

WHEREAS, young Mr. Whitten, who will attend the University of Alabama as a participant in the Mallet Assembly Honors Program, also is the recipient of a four-year R.O.T.C. Scholarship as well as additional cash scholarships from the University of Alabama's Capstone Honors Program and the Jefferson County Council of P.T.A.; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly praise and commend Mr. Steven Blair Whitten as one of our state's most outstanding young students and direct that he receive a copy of this resolution in declaration of our regard and in expression of our warm best wishes for every future success.

Approved August 22, 1982

Time: 5:00 P.M.

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Act No. 82-826

H.J.R. 53—Rep. Cosby

### HOUSE JOINT RESOLUTION

COMMENDING DR. PAUL EDWARD ALLEN FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

WHEREAS, Dr. Paul Edward Allen of Selma, Alabama, has been engaged in the practice of dental medicine for the past fifty years, following pre-dentistry study at the University of Alabama and acquisition of a Degree in Dentistry from the Atlanta Southern Dental College, now Emory University School of Dentistry; and

WHEREAS, during his professional career, Dr. Allen has not only witnessed and adopted numerous innovative changes in the practice of dentistry, but has himself developed a number of techniques and equipment which have been universally accepted within the profession; and

WHEREAS, among many "firsts" introduced in Selma by Dr. Allen was his use of local anesthetics for filling and crowning teeth, as was his introduction of sit-down dentistry; he also developed some 30 years ago, a technique to treat problems of the Temporomandibular Joint, now a major area of dental concern, and his early work has been acknowledged in a recent publication relative to the TM problem; and

WHEREAS, he further is the developer of the Allen Attachment, listed in dental equipment catalogues, and has conducted numerous demonstrations and lectures on its use; and

WHEREAS, Dr. Allen is the recipient of a number of awards for his contributions and he is a member as well of many professional organizations including life membership in Omicron Kappa Upsilon, the American and Alabama Dental Associations, the American Endodontic Society and the Pierre Fouchard Academy; he also is a Fellow of the American College Dentists and a member of the Academy of General Dentistry which requires post-graduate study and continuing education; and

WHEREAS, an elder in the First Christian Church, Dr. Allen also is involved with the community as a member of the Kiwanis Club and the U. S. Power Boat Squadron; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we warmly commend Dr. Paul Edward Allen for outstanding professional achievement and direct that he be presented with a copy of this resolution in declaration of our regard and in recognition of his numerous contributions to dentistry.

Approved August 22, 1982

Time: 5:00 P.M.

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Act No. 82-827

H.J.R. 54—Rep. Moore

### HOUSE JOINT RESOLUTION

DESIGNATING THE ASHVILLE ROAD, FROM WHITMIRE STREET TO U.S. HIGHWAY 78 in LEEDS, JEFFERSON COUNTY, ALABAMA, AS AN "EXTENSION OF HIGHWAY 119."

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, THAT the Ashville Road, from Whitmire Street to U.S. Highway 78 in Leeds, Jefferson

County, Alabama, is hereby designated, and shall henceforth and forever be known, as an "Extension of Highway 119."

BE IT FURTHER RESOLVED, That the proper authorities are directed to erect and maintain appropriate signs and markers so designating said road as an "Extension of Highway 119."

Approved August 22, 1982

Time: 5:00 P.M.

Act No. 82-828

H.J.R. 55—Rep. Waggoner

### HOUSE JOINT RESOLUTION

COMMENDING MR. MICHAEL S. GROSS, RECIPIENT OF THE KERMIT JOHNSON AWARD BY THE UNIVERSITY OF MONTEVALLO.

WHEREAS, the Alabama Legislature is pleased to note the selection of Mr. Michael S. Gross as the recipient of the University of Montevallo's Kermit Johnson Award as "Outstanding Superintendent"; and

WHEREAS, a native of Wilmington, Delaware, Mr. Gross is a graduate of the University of Alabama with a B.S. Degree and of the University of Montevallo with a M.A. Degree in Administration; he also holds an E.D.S. from Montevallo and has completed further studies at Columbia University; and

WHEREAS, following employment with the Jefferson County School System in 1965, Mr. Gross first served as teacher at Homewood Junior High School, later as assistant principal, then as principal until his appointment in 1972 as the first Principal of Homewood High School; and

WHEREAS, he currently serves as Superintendent of the Homewood City Schools, which system has attained the highest results in achievement testing in the entire State of Alabama; and

WHEREAS, during Mr. Gross' tenure, all Homewood City Schools have been accredited by the Southern Association of Schools and Colleges; the system also, financially, is one of the soundest in the State, with some \$2 million of construction and improvements currently taking place in the five Homewood City Schools; and

WHEREAS, Superintendent Gross is a member of Kappa Phi Kappa and Phi Delta Kappa honorary fraternities, a member of the

Shades Valley Rotary Club and Exchange Club of Homewood, past Secretary-Treasurer of the Fifth District Principals' Association and a member of Who's Who in Education, 1976; and

WHEREAS, further activities and honors include the United States Air Force ROTC Outstanding Service Award; 1976-77 Citizen of the Year by West Homewood Lions Club; membership in the National Association of Secondary Principals, Alabama Council for School Administration and Supervision, Alabama Association of School Boards, and the American Association of School Administrators; Chairmanship of the District V Superintendents Association; and currently, Chairman of the Alabama Chapter of the Amateur Athletes Society of America; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Mr. Michael S. Gross, Superintendent of the Homewood City Schools, on his selection by the University of Montevallo as the recipient of the Kermit Johnson Award as "Outstanding Superintendent".

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Mr. Gross in small token of our warm praise and regard.

Approved August 22, 1982

Time: 5:00 P.M.

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Act No. 82-829

H.J.R. 56—Rep. Waggoner

### HOUSE JOINT RESOLUTION

COMMENDING MR. RAFAEL McDANIEL, RECIPIENT OF THE UNIVERSITY OF MONTEVALLO'S LAWRENCE MALONE AWARD.

WHEREAS, the Alabama Legislature notes with commendation the selection of Mr. Rafael McDaniel as the recipient of the University of Montevallo's Lawrence Malone Award as "Outstanding Principal"; and

WHEREAS, a native of Alexander City, Alabama, Mr. McDaniel attended the public schools of that city, graduating from Benjamin Russell High School where he was elected vice president of the freshman class, president of the sophomore and junior classes and president of the Student Body; and

WHEREAS, Mr. McDaniel attended the University of Alabama for one year, graduating in 1967 with a B.A. Degree from Samford University; he holds a graduate degree, as well, also earned at Samford University; and

WHEREAS, his educational career began as a classroom teacher at the old Bessemer High School; he later was named principal at Jess Lanier High School, then served as principal of Second Avenue Elementary School in Bessemer and currently serves as principal of Vestavia Hills High School; and

WHEREAS, he is professionally active as a member of Phi Delta Kappa and Kappa Phi Kappa Honorary Educational Fraternities, a member also of A.C.S.C.S. and is now serving as president of the Samford University Teacher-Alumni Association; and

WHEREAS, Mr. McDaniel is married to the former Carol Dianne Crews who is a Dothan native, a graduate also of Samford University and now a classroom teacher at Vestavia Hills High School; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most warmly praise Mr. Rafael McDaniel on his outstanding career in public education and congratulate him upon his selection for the University of Montevallo's Lawrence Malone Award as "Outstanding Principal."

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Mr. McDaniel in token of our regard and in gratitude for his many contributions to the welfare of the youth of Alabama.

Approved August 22, 1982

Time: 5:00 P.M.

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Act No. 82-830

H. 10—Reps. Minus, Manley

### AN ACT

Relating to Sumter County; amending Act No. 81-229, H. 730, 1981 Regular Session (Acts 1981, p. 307), which levys a fee on hazardous and nonhazardous waste stored or dumped in the county, so as to provide further for the disposition of said fees.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 4 of Act No. 81-229, H. 730, 1981 Regular Session (Acts 1981, p. 307), is hereby amended to read as follows:



“Section 4. The net revenue generated by such fees shall be disbursed by Sumter County no later than the fifteenth day of each month as follows:

“A. Eight percent (8%) shall be remitted to Livingston University. One percent (1%) shall be remitted to the West Alabama Mental Health.

“B. One percent (1%) shall be remitted to the state treasurer for deposit in a special account. These funds and any accrued interest shall be used exclusively for the perpetual care responsibility of the State of Alabama under the Hazardous Waste Act of 1978. Revenue collected for this purpose in Sumter County, Alabama, shall be deposited in the various financial institutions in Sumter County, Alabama.

“C. The remaining funds shall remain in Sumter County, Alabama. The Sumter County Board of Commissioners shall disburse said funds as follows:

“Seven percent (7%) to the North Sumter County Development Authority created pursuant to this bill; thirteen percent (13%) to the Sumter County Industrial Development Board; seven percent (7%) to the Sumter County Water Authority; five percent (5%) to the Sumter County Health Department, (this 5% is intended to be in addition to the current appropriations made to said department by the county commissioners); three percent (3%) to Sumter County Day Care Centers. If any additional local taxes are raised for public education, this 3% will go to the county general funds; one percent (1%) to the Sumter County Fine Arts Council; one percent (1%) to the Sumter County Soil and Water Conservation District; three percent (3%) to the Sumter County Landfill; eight percent (8%) to the City of Livingston; eight percent (8%) to the City of York; two percent (2%) to the Town of Epes; two percent (2%) to the Town of Gainesville; two percent (2%) to the Town of Cuba; two percent (2%) to the Town of Geiger; two percent (2%) to the town of Emelle; one percent (1%) to the Sumter County Rescue Squad; twenty percent (20%) to the Sumter County Board of Education, one quarter of which shall be used for teacher salary supplements. These supplements are to be added to the local salary schedule and paid in whatever manner the Board of Education so desires. If at any time there is any increase of local taxes for public education in Sumter County, this 20% shall be discontinued and disbursed as follows: Equally between the City of York, City of Livingston, Sumter County General Fund, North Sumter County Development Authority, and Sumter County Water Authority; four percent (4%) to Livingston University to be equally divided for academic and athletic scholarships; eight percent (8%) to the Sumter County General Fund of which 1% shall be earmarked

for fire protection of forest lands, 2% to be earmarked for the implementation and personnel necessary for implementation for the automation of the county records in the tax collector, tax assessor, and probate judge offices, and 5% to the Sumter County General Fund for the Administrating of this act; one percent (1%) to the Sumter County Park and Recreation Board.

“Notwithstanding any provision to the contrary, all funds disbursed to the North Sumter County Development Authority shall be divided proportionately among the seven districts and shall be used entirely at the discretion of said districts.” The North Sumter County Development Authority shall have the duty to insure that all money is spent under the provisions of the law.

**Section 2.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law. The effective date for money to be disbursed shall be September 1, 1982.

Approved August 22, 1982

Time: 5:00 P.M.

Act No. 82-831

H. 14—Reps. Coburn, Goodwin

### AN ACT

Relating to Colbert County; to levy a privilege or license tax on persons, corporations, partnerships, firms, associations, and other entities engaged in the business of renting or furnishing rooms, lodgings, or accommodations, in any hotel, motel, inn, tourist court, or any other place in which rooms, lodgings or accommodations are rented or furnished for a consideration; to provide the amount or rate of the aforesaid taxes; to provide for certain exemptions from the taxes so levied; to provide for the method of collection and enforcing the said taxes; to provide that the Director of Revenue of the County shall collect the taxes levied by this act; and administer and enforce this act; to provide that the said Director of Revenue shall pay all of the proceeds of the taxes, to the Convention and Visitors Authority of Colbert County created by that certain act adopted during the Regular Session of the Legislature of Alabama of 1982, which provides for a Convention and Visitors Bureau in Colbert County to set forth.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** This Act shall apply only in Colbert County.

**Section 2.** As used herein, the words and terms defined in this Section 2 shall have the meanings hereby ascribed to them. “County” means Colbert County. The term “effective date of the act” means the first day of the calendar month next following the calendar month in which this Act is adopted.

**Section 3.** (a) The taxes levied by this act shall become effective, or go into effect, on the first day of the calendar month next following the calendar month in which this act is adopted.

(b) Commencing on the effective date of the taxes, as specified in subsection (a), above, in addition to all other taxes imposed by law, there is hereby levied and shall be collected by the Director of Revenue as herein provided a privilege or license tax in the amount hereinafter prescribed against every person engaged in the County in the business of renting or furnishing any room or rooms, lodging or accommodations, to any transients in any hotel, motel, inn, tourist court, or any other place in which rooms, lodgings or accommodations are regularly furnished to transients for a consideration. The Director of Revenue shall pay to the Colbert County Convention and Visitors Authority of Colbert County as created under the Act adopted during the Regular 1982 Session of the Legislature providing for a convention and visitor authority in Colbert County all of the proceeds of the said tax. The amount of tax shall equal to two percent (2%) of the charge for such rooms, lodgings or accommodations, including the charge for use or rental of personal property and services furnished in such room or rooms.

There are exempted from the provisions of the tax levied by this Section 3 and from the computation of the amount of the tax levied or payable hereunder the following: charges for property sold or services furnished which are required to be included in the tax levied by Act No. 100 of the Second Special Session of 1959 of the Legislature of Alabama (Ala. Acts 1959, page 298 et. seq.) as amended, said Act being commonly referred to as the State Sales Tax Act; charges for the rental of rooms, lodgings or accommodations furnished by any hospital, nursing home, convalescent home or by any charitable or eleemosynary institution; charges for the rental of rooms, lodgings, or accommodations to persons for a period of thirty (30) continuous days or more. The exemption hereby provided shall apply to any property sold or services furnished which are required to be included in any sales tax now or hereafter levied by the State of Alabama.

(c) The taxes levied by this Section 3, except as otherwise provided herein, shall be due and payable on or before the 20th day of the month next succeeding the month in which the tax accrues. On or before the 20th day of each month after the effective date of the taxes every person on whom the tax is levied by this Section 3 shall render to the Director of Revenue on a form prescribed by him, a true and correct statement showing the gross proceeds of the business subject to the said tax for the then preceeding month, together with such other information as the Director of Revenue may demand and require; and at the time of making such monthly report the tax payer

shall compute and pay to the Director of Revenue the amount of taxes shown to be due.

(d) It shall be the duty of every person engaged or continuing in any business subject to the taxes levied by this Section 3 to keep and preserve suitable records of the gross proceeds of such business and such other books or accounts as may be necessary to determine the amount of tax for which he is liable under the provisions of this act. Such records shall be kept and preserved for a period of five (5) years and shall be open for examination at any time by the Director of Revenue or by any duly authorized agent, deputy or employee of the said Director.

(e) Any person who fails to pay the tax levied by this Section 3 within the time required by this act shall pay in addition to the tax a penalty of ten percent (10%) of the amount of tax due, together with interest thereon at the rate of one-half of one percent (1/2 of 1%) per month or fraction thereof from the date on which the tax became due and payable, such penalty and interest to be assessed and collected as a part of the tax.

**Section 4.** The failure of any person to pay any tax levied by this act within the time specified for the payment of the same by the act shall constitute a misdemeanor; and the violation of any of the provisions of this act by any person shall constitute a misdemeanor. Any person violating any provisions of this act shall upon conviction be punished by fine of not more than five hundred dollars (\$500) and may also be sentenced to hard labor for the County for not exceeding six (6) months, either or both, unless a different punishment is prescribed herein.

**Section 5.** None of the provisions of this act shall be applied in such manner as to violate the commerce clause or other clauses of the Federal Constitution or any clause of the Constitution of Alabama. Should any provision of this act be held invalid, the invalidity thereof shall not affect the remaining provisions of the act.

**Section 6.** All laws and parts of laws, whether general, special or local, in conflict with the provisions of this act are hereby repealed to the extent of such conflict; provided however, it is not intended by the provisions of this section to repeal or affect in any way the privilege or license tax levied by any of the following Acts: Act No. 248 of the Regular Session of the Legislature of Alabama of 1955 (Ala. Act 1955, p. 586), as amended by Act No. 269 of the Regular Session of the Legislature of Alabama of 1963, (Ala. Acts 1963, p. 715), and Act No. 528 of the 1979 Regular Session of the Legislature of Alabama; nor is it intended for this act to repeal any existing local

municipal lodging tax so levied by any municipality in Colbert County, Alabama.

**Section 7.** The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not effect the part which remains.

**Section 8.** This act shall become effective upon its approval by the Governor or upon its otherwise becoming law; but the taxes levied by this act shall not go into effect, or become effective, until the date specified in subsection (a) of Section 3 of this act.

Approved August 22, 1982

Time: 5:00 P.M.

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Act No. 82-832

H. 15—Reps. Coburn, Goodwin

### AN ACT

Relating to Colbert County; to provide for the creation of a Public Corporation which shall be vested with the powers provided for in the act, for the purpose of attracting conventions and visitors to the County; to define the powers of such corporation; and to provide for the repeal of laws, whether general, special, or local, in conflict with the provisions of the act.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** This shall apply only in Colbert County.

**Section 2.** The following words and terms, as used in this act, shall have the meanings hereby ascribed to them: "the County" means Colbert County to which this act applies; "the Bureau" means the public corporation for which this act provides; "the Board" means the Board of Directors of the Authority for which this act provides; "the Chamber of Commerce" means the Colbert County Chamber of Commerce in which any reputable person engaged in mercantile, manufacturing, banking, jobbing, or any other business, profession, trade, practice, service, or any and all enterprises that contributes to the economy of an area is eligible to hold membership; "person" means a natural person, corporation, partnership, association or other entity; "Hotel-Motel Division" means that specific division of the Chamber of Commerce dedicated to furthering the business activity of that business, individually and collectively that are members of the Chamber of Commerce of Colbert County, of which is composed of persons engaged in the hotel, motel, tourist court or similar business in any city in Colbert County.

**Section 3.** There is hereby established in the County a public corporation for the purposes herein specified, which corporation shall be vested with the powers conferred upon it by this act. The said public corporation is at times hereinafter referred to as "the Bureau."

Subject to the conditions and qualifications hereinafter stated, the name of the said corporation shall be the Colbert County Convention and Visitors Bureau.

**Section 4.** The Bureau shall be authorized and empowered to construct programs, including but not limited to programs of information and publicity designed to attract conventions and tourist to all of Colbert County. The Bureau shall be authorized to conduct such programs in Alabama and elsewhere, and to expend its funds in the furtherance of such programs in Alabama and elsewhere.

The Bureau may enter into contracts with any person, firm, corporation or association to carry out the purposes set forth in this act. No contract entered into by the Authority shall bind the State or any county or municipality of the State.

The Bureau shall have the power (a) to sue and be sued; (b) to acquire property and rights of interest, in property by gift, lease, or purchase; (c) to appoint officers, agents, employees and attorneys, and to fix their compensation; (d) to have a seal and alter the same at pleasure; (e) to make by-laws for the management and regulation of its affairs; (f) to make contracts, and to execute all instruments necessary or convenient to lease or purchase and own real or personal property to be used for the furtherance of the purposes for the accomplishment of which said Authority is created; (g) to accept or receive gifts, bequests and devices; (h) to borrow money and execute notes and other evidence of indebtedness which may be required by the lender, and pledge anticipated revenue or income to secure payment of any such loan; and (i) to do all things necessary or convenient to carry out the powers expressly given herein.

For the aforesaid purposes the Bureau shall be authorized to use and apply the proceeds of any taxes which the Legislature provides which shall be payable to the Bureau; for the promotion of all of Colbert County as a Convention Center and all such places located in Colbert County, Alabama, from time to time that offers to visitors and tourists something of interest.

**Section 5.** The affairs of the Bureau shall be managed by a Board of Directors, herein called "the Board", which shall consist of seven (7) members as follows: three (3) members first appointed from the general membership of the Colbert County Chamber of Commerce by the President of the Chamber of Commerce of Colbert County for staggered terms of office as follows: one (1) member will serve a term

of three (3) years, one (1) member will serve a term of two (2) years, one (1) member will serve a term of one (1) year. The additional four (4) member positions of the Board will be filled by: 1: The Chairman of the Colbert County Commission, this term of office on the Board will expire when the term of office as County Commission Chairman expires; 2: One (1) member position of the Board will be filled by an appointment made by the members of the City Commission of Muscle Shoals Alabama. This term of office is for a period of one year; 3: One (1) member position of the Board will be filled by an appointment made by the City Commission of Sheffield, Alabama. This term of office is for a period of one (1) year; 4: One (1) member position of the board will be filled by an appointment made by the City Commission of Tuscumbia, Alabama. This term of office is for a period of one (1) year.

The provisions set forth below shall govern the filling of any vacancy occurring in any one or more of the seven directorships. A directorship shall be deemed to be vacant in the event that any person designated as a director, as provided above, for any reason fails to attend three (3) monthly Board meetings in succession. In the event a vacancy in the directorship occurs, such vacancy shall be filled by the President of the Colbert County Chamber of Commerce appointing a member of that body that is in good standing and desires to serve the Board.

The members of the Board shall serve without compensation but may be reimbursed for actual expenses incurred in the performance of their duties for the Bureau.

**Section 6.** The power of the Bureau shall be vested in and exercised by the Board subject to the provisions of this act.

The Board shall be authorized to employ agents, employees, officers, consultants, attorneys and to secure such services and assistance as the Board deems necessary to enable it to conduct, and engage in the activities and purposes for which this Bureau is created. The Board is authorized by this Act to delegate the management of all programs of the Bureau to the sole responsibility of the Colbert County Chamber of Commerce, its management and staff.

The Board may delegate to one or more of its members, employees, agents or officers, such duties as it deems proper.

The Board shall elect a Chairman and a Vice Chairman of said Board. The Vice Chairman shall serve as Chairman in the event of the Chairman's absence. The Board shall also elect a Treasurer, and a Secretary.

The Board shall provide by resolution for the dates on which the Chairman, Vice Chairman, Treasurer, and Secretary shall be elected, which resolution shall specify the term or period for which each of the officers last named shall serve.

The Treasurer shall act as custodian of all funds from whatever sources derived received by such officer.

The Treasurer of the Bureau shall execute a fidelity bond with a company authorized to write such bonds in the State of Alabama being surety thereon, which bond shall be in an amount approved by the Board.

Contracts of the Bureau shall be executed in the name of the Bureau by the Chairman of the Board and attested by the Secretary of the Bureau, and the Executive Director of the Bureau/Colbert County Chamber of Commerce as the person employed in this position with the Chamber shall also be employed as the Executive Director of the Bureau. In no event shall a contract, irrespective of its form and of the persons executing the same, be binding unless such contract was authorized or ratified by the Board.

**Section 7.** All laws or parts of laws, whether general, special or local, in conflict with the provisions of this Act, are hereby repealed to the extent of such conflict.

**Section 8.** The provisions of this act are severable, if any part of the act is declared invalid or unconstitutional such declaration shall not affect the part which remains.

**Section 9.** This act shall become effective upon its approval by the Governor or upon its otherwise becoming a law.

Approved August 22, 1982

Time: 5:00 P.M.

Act No. 82-833

H. 22—Reps. Sasser, Grimsley

### AN ACT

Relating to Henry County, Alabama; providing for the appointment and compensation of a clerk for the Tax Collector and a clerk for the Tax Assessor of Henry County.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The County Commission of Henry County is authorized to pay out of the General Fund of said County the salaries



of clerks for the Tax Collector and clerks for the Tax Assessor. Such clerks shall be appointed by the Tax Collector and Tax Assessor, respectively. The Tax Assessor, with the approval of the Henry County Commission, shall fix his (or her) clerks' salaries and the Tax Collector, with the approval of the Henry County Commission, shall fix his (or her) clerks' salaries; however, the total amount to be paid to the clerks in each office shall be fixed at not more than twelve thousand (\$12,000.00) per annum, total, and shall be paid as requested by the Tax Assessor and Tax Collector, with the approval of the Henry County Commission, to such clerks.

The salaries, as above determined, shall be paid on a prorata basis out of the monies collected each tax year into the General Fund of the County, and thereafter paid from said fund to said clerks in equal installments. The prorata share of the clerks' salaries to be paid by each fund or agency receiving ad valorem taxes, shall be determined by computing the percentage of the total collections for which each fund or agency bears to the total collections of ad valorem taxes. The prorata share of salaries each fund or agency shall pay during the first year after implementation of this act shall be based upon the collections made during the tax year next preceding the effective date of this act.

**Section 2.** All laws which are in conflict with this act are hereby repealed to the extent of such conflict.

**Section 3.** This is severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part or parts which remain.

**Section 4.** This act shall become effective on October 1st, next following its passage and approval by the Governor, or upon its otherwise becoming law.

Approved August 22, 1982

Time: 5:00 P.M.

Act No. 82-834

H. 25—Reps. Ray, Sasser, Grimsley,  
Whatley

## AN ACT

Relating to Barbour County; providing that each member of the Barbour County Board of Education shall receive compensation in the amount of Two Hundred Dollars

(\$200.00) for each month during which he serves, which compensation shall be in lieu of other compensation authorized by law, providing for supplemental effect, and providing for its effective date.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** In lieu of all other compensation authorized by law, including expenses incurred in attending meetings, each member of the Barbour County Board of Education shall receive from the public school funds of Barbour County the sum of Two Hundred Dollars (\$200.00) for each month or portion of a month that he serves as a member of the Barbour County Board of Education.

**Section 2.** All laws or parts of laws in conflict with this Act are hereby repealed.

**Section 3.** This Act shall become effective on October 1, 1982.

Approved August 22, 1982

Time: 5:00 P.M.

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Act No. 82-835

H. 26—Rep. Ray

### AN ACT

Relating to Pike County; authorizing the county commission to employ a deputy tax assessor, a deputy tax collector, a deputy circuit clerk, clerical assistance for certain county officers; repealing Act No. 201, H. 872, Regular Session 1971 (Acts 1971, p. 494), and Act No. 732, H. 1281, Regular Session 1976 (Acts 1976, p. 1013); and providing for its retroactive effect.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** In Pike County, the county commission is hereby authorized to employ a deputy tax assessor, a deputy tax collector and a deputy clerk of the circuit court. Said employees shall serve at the pleasure of the county commission and the compensation of said employees shall be set by the county commission.

**Section 2.** The county commission is hereby authorized to employ clerks to assist the tax assessor, the tax collector and the probate judge in the performance of their official duties. The number of said clerks shall be established by the county commission. Said clerks shall serve at the pleasure of the county commission and the compensation of said clerks shall be set by the county commission.

**Section 3.** The county commission is also hereby authorized to hire such additional part-time employees for any county department as the commission deems necessary. Such part-time employees

shall serve at the pleasure of the county commission and compensation of said part-time employees shall be set by the county commission.

**Section 4.** The compensation of all employees authorized to be hired under the provisions of this Act shall be payable in equal monthly installments from the county general fund or from any funds available for use by the county.

**Section 5.** All laws or parts of laws which conflict with this Act are hereby repealed and specifically Act No. 201, H. 872, Regular Session 1971 (Acts 1971, p. 494), and Act No. 732, H. 1281, Regular Session 1976 (Acts 1976, p. 1013), are hereby repealed.

**Section 6.** The operation of this Act shall be retroactive to August 24, 1976, and all actions taken and payments made pursuant thereto on and after that date are ratified and confirmed.

Approved August 22, 1982

Time: 5:00 P.M.

Act No. 82-836

H. 39—Rep. Clark (G), Mitchell

### AN ACT

Relating to Pickens County; providing further for recording deeds in the office of the Judge of Probate; providing that any real estate deed, presented for filing and recording in said office shall contain certain information on the face of the instrument relating to the ad valorem tax notice on such real estate.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** In Pickens County, any real estate deed, presented for filing and recording in the office of the probate judge, shall contain, on the face of the instrument, the name and complete address of the person to whom the ad valorem tax notice on such real estate should be delivered by the taxing authorities of the county. The form of such statement shall be substantially as follows:

“Ad valorem tax notice, regarding the subject real estate, should be delivered to:

NAME: \_\_\_\_\_

FULL ADDRESS: \_\_\_\_\_.”

**Section 2.** The probate judge shall refuse to accept for filing and recording any instrument which does not comply with the requirements of this act.

**Section 3.** Failure to comply with the requirements of this act by the probate judge, his agents, servants or employees, or any other person, shall be construed to be a ministerial failure and shall in no wise affect the validity of the real estate deed involved; nor shall such failure impose any civil or criminal liability on the probate judge, his agents, servants or employees.

**Section 4.** The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 5.** All laws or parts of laws which conflict with this act are hereby repealed.

**Section 6.** This act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

Approved August 22, 1982

Time: 5:00 P.M.

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Act No. 82-837

H. 40—Rep. Clark (G)

### AN ACT

Relating to Greene County to provide for an expense allowance for the members of the Greene County Board of Education.

### *Be It Enacted by the Legislature of Alabama*

**Section 1.** The members of the Greene County Board of Education shall be entitled to a \$100 per month expense allowance.

**Section 2.** The funds for paying said expense allowance may be paid from any legal fund of the Greene County Board of Education.

**Section 3.** This act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

Approved August 22, 1982

Time: 5:00 P.M.

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Act No. 82-838

H. 43—Rep. Clark (G), Manley

## AN ACT

To amend Act no. 376 of the 1975 Legislature of Alabama relating to the Greene County Racing Commission and parimutuel wagering in Greene County so as to change the terms of the commissioners from three years to six years and to extend the terms of the present commissioners for such additional period, to provide for the compensation of the members of the racing commission, to provide for the investment of monies deposited to the credit of the racing commission, to provide that no more than three hundred (300) racing days shall be granted within Greene County to any person, association or corporation or to any track or to any combination of persons, associations, corporations or tracks; to provide that permits or license to conduct race meetings and racing under said Act shall be granted for a period not to exceed ten (10) years from the date of issuance and to further provide that renewals of such licenses shall be issued upon the same terms and conditions as the prior licenses and shall not be denied except for due cause; to provide that every license issued by the Commission shall contain the number of racing days allowed annually to such licensee and shall specify that it is issued upon the terms, conditions, commission of a licensee on a parimutuel pool and tax as contained in said Act which such terms, conditions, commission of a licensee on a parimutuel pool and tax shall not be altered or changed during the period of such license without the mutual consent of the licensee and Commission; to provide that the licensee shall be permitted to provide separate pools for bets to win, place and show and also a daily double pool, a quiniela pool, a double quiniela pool, a trifecta and such other bets or pools as the Commission may allow, and to provide a source of funding for the retirement of debt service for a new Greene County Courthouse.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 1 of Act No. 376 of the 1975 Legislature of Alabama is hereby amended to read as follows:

Section 1. The Greene County Racing Commission is hereby created and established and is vested with the powers and duties specified in this Act, and all other powers necessary and proper to enable it to execute fully and effectually the purposes of this Act. The official name of said commission shall be the Greene County Racing Commission, and same being sometimes referred to herein as the Racing Commission or the Commission. Said Commission shall consist of three persons who shall be appointed by the legislative delegation which represents Greene County in the House and in the Senate for the State of Alabama. Each such member shall hold office for a term of six years from the effective date of the appointment; provided, however, the term of office of the present three commissioners shall expire six years after their last appointment. If a vacancy occurs for any reason, then that position shall be filled for the unexpired term and that commissioner shall be chosen in the same manner as other commissioners are appointed. All books, records, maps, documents and papers shall constitute public records and be available for copying, examination and inspection during all normal business hours by any agency, official or person.

**Section 2.** Section 3 of Act No. 376 of the 1975 Legislature of Alabama is hereby amended to read as follows:

Section 3. The compensation of each member of the Commission shall be One Thousand Four Hundred (\$1,400.00) DOLLARS per month. One member of said Commission shall be required to be in attendance at each racing event. Each commissioner who attends a racing event or performs the duties required by this Act shall receive an additional Fifty (\$50.00) DOLLARS per day. Any member of the Commission while traveling outside of the county on business of the Commission shall also be entitled to his actual expenses. The above sums shall be paid out of the funds of the Greene County Racing Commission and shall be paid to the Commissioners in the same manner as the compensation of other county officers is paid.

**Section 3.** Section 4 of Act No. 376 of the 1975 Legislature of Alabama is hereby amended to read as follows:

Section 4. The Greene County Racing Commission shall be empowered to appoint an individual to serve as treasurer of the Racing Commission which may be one of the members of the Racing Commission, and shall collect all of the license fees, taxes and monies provided in this Act, and shall supervise, check and audit the operation of the parimutuel wagering pools and the conduct and distribution thereof. The Racing Commission shall be empowered to invest said monies in legal investments prior to distribution as provided for in Section 17 of this Act.

**Section 4.** Section 7 of Act no. 376 of the 1975 Legislature of Alabama is hereby amended to read as follows:

Section 7. The Racing Commission is authorized to grant to any person, association or corporation desiring to operate a race track in the county the right, subject to the provisions of this Act, to hold or conduct one or more race meetings at such track each year provided, however, that no such license shall be granted to any person, association or corporation or to any track or to any number or combination thereof so as to allow more than three hundred (300) racing days in any one year in Greene County. The Commission may establish a minimum number of days not to exceed two hundred fifty (250) that such licensee must conduct races and if so, the license granted shall state the number of days on which races are required and the number of days that races are discretionary with the licensee, however, the total racing days allowed to all licensees, whether discretionary or required, shall not exceed three hundred (300) in any one year. Any and all applicants for license to operate under this Act shall have been residents of the State of Alabama for at least five (5) years immediately preceding the date on which such license is issued.

**Section 5.** Section 9 of Act No. 376 of the 1975 Legislature is hereby amended to read as follows:

Section 9. On or before the first day of December of each year, any person, association, or corporation possessing the qualifications prescribed in this Act shall have the right to apply to the Racing Commission for a permit or license to conduct race meetings and racing under this Act. On or before the first day of January of each year, after the receipt of any such application, the commission shall convene to consider and act upon all permits or licenses applied for. Approved permits or licenses shall be granted for a period of not more than ten (10) years from the date of issuance and shall set forth in addition to any other information prescribed by the Commission, the name of the licensee, the location of the race track, duration of the race meeting and the kind of racing desired to be conducted and shall show the receipt by the Commission of a license fee set by the Commission, the setting of which is hereby authorized, provided, however, said license fee shall not exceed One Thousand (\$1,000.00) DOLLARS annually. No such license shall be transferable, nor shall it apply to any other place, track or enclosure except the one specified in this license.

(1) The Commission shall not issue any licenses which would permit any two race tracks in the County to operate on the same racing days. Further, after the first license has been issued to the licensee, all subsequent applications for a license by a permit holder shall be accompanied by proof (in such form as the Commission may require) that said licensee still possesses the qualifications set out in this Act. Such applications for renewal of license shall be granted upon the same terms and conditions as previously issued and shall not be denied except for due cause.

(2) Seventy-five (75%) per cent of the employees of said track or tracks must be bonafide resident citizens of Greene County, Alabama.

**Section 6.** Section 14 of Act No. 376 of the 1975 Legislature of Alabama is hereby amended to read as follows:

Section 14. Every licensee conducting race meetings under the provisions of this Act, shall pay to the ex-officio Treasurer of the Racing Commission for the use of the Commission, a tax in an amount equal to four (4%) percent of the total contributions to all parimutuel pools conducted or made on any race track licensed under this Act. The commission of a licensee on a parimutuel pool shall in no event exceed eighteen percent (18%) of the amount contributed to said parimutuel pool, which amount shall include the four percent (4%) tax heretofore provided. After the deduction of the four percent (4%) for the use of the Commission and the percentage commission of the licensee, the remainder of the total contributions to each pool shall be divided among and redistributed to the contributors to such pools

betting on the winning dog. The amount of each redistribution for each winning bet placed shall be determined by dividing the total amount remaining in the pool after the deductions hereinabove provided for by the number of bets placed on the winning dog. Each redistribution shall be made in a sum equal to the next lowest multiple of ten. The licensee is entitled to retain the odd cents of all redistributions to be known as the "breaks to a dime", and all monies represented by any unclaimed, uncashed, or abandoned parimutuel tickets known as "outs" money. Under the parimutuel system of wagering herein provided, the licensee shall be permitted to provide separate pools for bets to win, place and show and also a daily double pool, a quiniela pool, double quiniela pool, trifecta pool, and such other bets and pools as the Commission may from time to time allow. Each pool shall be redistributed separately as herein provided. Should there be no ticket bet on the winning dog, the entire pool will be divided among the holders of tickets on the dog running next in line until the pool has been redistributed to the contributors. The licensee shall be required to use a totalizator machine to record the wagering and compute the odds. Rules and regulations governing the operation of each of the pools shall be set out in book form by the Racing Commission. The licensee shall collect from each person attending the race meeting under the provisions of the Act fifteen (15) per cent of the established admission price or ten cents, whichever sum is grater, as an admission tax. Licensees shall make payment of such taxes to the ex-officio treasurer of the Racing Commission every seneth calendar day of any and every race meeting, which payment shall be accompanied by a report on the races covered by such report and such other information as the commission may require. Every license issued by the Commission shall contain the terms, conditions, provisions, percentage commission of licensee, and tax as set forth in this Section of the Act, which such terms, conditions, provisions, percentage commission of licensee, and tax shall not be altered or changed during the term of such license without the mutual consent of the Commission and licensee.

**Section 7.** Section 17 of Act No. 376 of the 1974 Alabama Legislature of Alabama is hereby amended to read as follows:

Section 17. All fees, commissions, taxes and other monies, including fines and forfeitures, received under the provision of this Act shall be paid to the treasure of the Greene County Racing Commission. All such monies remaining after payment of expenses incurred in the administration of this Act, including the payment of the members and employees of this commission shall be distributed each six months on an annual percentage basis using the amount of monies available for distribution for the calendar year of 1981, plus a sum to be calculated by multiplying said sum available for distribution



in 1981 by a factor which shall be called the growth rate. The growth rate is defined as the average annual growth rate from the calendar years, 1978, being the first full year of racing, to June 30, 1982, being the last distribution of such monies. The growth rate as determined by the racing commission shall remain constant. The amount of monies available for distribution for the calendar year, 1981, plus the growth rate shall be the formula used by the racing commission for the next distribution date, provided however, on all subsequent distribution dates the racing commission shall use the last preceeding sum of monies for distribution, plus the growth rate multiplied by said sum as the sum of monies for distribution, if available. Should said sum not be available, then said sum shall be prorated equally as provided for in the following subparagraphs (a), (b), (c), and (d) as follows:

(a) Five (5) per cent to the Greene County Hospital Board.

(b) Twenty-five (25) per cent of the monies shall be appropriated to the municipalities of Greene County on a per capita basis according to the most recent population figures used by the federal government for the purpose of revenue sharing, or if these figures are not available, the population figures according to the last federal census shall be used.

(c) Thirty (30) per cent of the monies shall be appropriated to the Greene County Board of Education.

(d) Forty (40) percent of the monies shall be appropriated to the general fund of Greene County to be allocated and spent in the following prescribed manner:

(1) Fifty (50) per cent of this amount shall remain unearmarked and may be spent in any manner, provided by law, for the benefit of the citizens of Greene County, by the county governing body thereof.

(2) Ten (10) percent to be used by the county governing body to upgrade law enforcement in the county.

(3) Ten (10) per cent for the establishment and maintenance of a county ambulance service and other health needs.

(4) Ten (10) per cent for the establishment and maintenance of Day Care centers within the county.

(5) Six (6) percent to be used by the county governing body to promote economic development within Greene County.

(6) Four (4) per cent to be appropriated to the Greene County Health Department.

(7) Four (4) per cent to be used by the county governing body for parks and recreation within Greene County.

(8) Two (2) per cent to be appropriated to the Greene County Library Association for upgrading of the library system.

(9) Two (2) per cent to be appropriated to West Alabama Mental Health Center, Inc., to be used for mental health services within Greene County.

(10) One (1) per cent to be appropriated to the Greene County Historical Society for their use in restoring and preserving historic sites and buildings in the County.

(11) One (1) per cent to be appropriated to the Greene County Housing Authority.

(e) Any remaining monies after distribution described in paragraphs (a), (b), (c) and (d) above shall be distributed to a special building fund for use of the Greene County Commission for building and retirement of debt service for a new county courthouse and jail and for repair and renovation of the existing Greene County Courthouse and adjacent county buildings located on the Courthouse square. Should the Greene County Commission elect not to build a new Courthouse and jail, or when debt service for the same has been retired, then the above sum shall be distributed as provided for in sub-paragraphs (a), (b), (c) and (d), above.

**Section 8.** The provisions of this Act are severable. In the event any section, sentence, clause or portion of this Act should be declared invalid by the Court of competent jurisdiction, such invalidity shall not affect the validity of any remaining section, sentences, clauses, or portions of this Act, which shall continue as effective.

**Section 9.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 22, 1982

Time: 5:00 P.M.

Act No. 82-839

H. 49—Reps. Clark (G), Cosby, Bedsole,  
Whatley, Smith (C)

### AN ACT

To define and set the punishment for the crimes of: Unlawful distribution of controlled substances in the first, second, and third degree; unlawful possession of a

controlled substance in the first, second, and third degree; unlawful possession of marijuana in the first and second degree; unlawful possession of narcotic paraphernalia; to provide for forfeitures and seizures; to amend Code of Alabama 1975, Sections 20-2-2, 20-2-32, 20-2-72, 20-2-80 and 20-2-93; to provide for the incorporation of Act No. 82-426, 1982 Regular Session, "The Imitation Controlled Substances Act," into this act; to provide for the incorporation of the provisions of this act into Title 13A of the Code of Alabama 1975; to repeal Sections 20-2-70, 20-2-73 and 20-2-75, Code of Alabama 1975, and any and all other laws or parts of laws that conflict with this act, insofar as conduct occurring after the effective date of this act is concerned; to provide that this act is supplemental to other laws not inconsistent with this act and shall not be deemed to repeal such laws; to specify the conduct to which this act applies; to provide for severability; and to provide an effective date.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Unlawful Distribution of Controlled Substances in the First Degree.

(a) A person commits the crime of unlawful distribution of controlled substances in the first degree if, except as otherwise authorized:

(1) He sells, furnishes, gives away, manufactures, delivers or distributes a controlled substance named or described in Sections 20-2-23(1), 20-2-23(2), or 20-2-25, Code of Alabama 1975; or

(2) He, being nineteen years of age or older, sells, furnishes, gives away, delivers or distributes any controlled substances enumerated in Code of Alabama 1975, Sections 20-2-23, 20-2-25, 20-2-27, 20-2-29 or 20-2-31 to a person who has not attained the age of eighteen.

(b) Unlawful distribution of controlled substances in the first degree is a Class A felony.

**Section 2.** Unlawful Distribution of Controlled Substances in the Second Degree.

(a) A person commits the crime of unlawful distribution of controlled substances in the second degree if, except as otherwise authorized, he sells, furnishes, gives away, manufactures, delivers or distributes a controlled substance named or described in Sections 20-2-23(3), 20-2-27 or 20-2-29, Code of Alabama 1975.

(b) Unlawful distribution of controlled substances in the second degree is a Class B felony.

**Section 3.** Unlawful Distribution of Controlled substances in the Third Degree.

(a) A person commits the crime of unlawful distribution of controlled substances in the third degree if, except as otherwise authorized, he sells, furnishes, gives away, manufactures, delivers or distributes a controlled substance named or described in Section 20-2-31, Code of Alabama 1975.

(b) Unlawful distribution of controlled substances in the third degree is a Class C felony.

**Section 4.** Unlawful Possession of a Controlled Substance in the First Degree.

(a) A person commits the crime of unlawful possession of a controlled substance in the first degree if:

(1) Except as otherwise authorized, he possesses a controlled substance named or described in Sections 20-2-23(1), 20-2-23(2) or 20-2-25, Code of Alabama 1975; or

(2) He obtains by fraud, deceit, misrepresentation or subterfuge or alteration of a prescription or written order or by the concealment of a material fact or by the use of a false name or giving a false address a controlled substance named or described in Sections 20-2-23(1), 20-2-23(2) or 20-2-25, Code of Alabama 1975.

(b) Unlawful possession of a controlled substance in the first degree is a Class B felony.

**Section 5.** Unlawful Possession of a Controlled Substance in the Second Degree.

(a) A person commits the crime of unlawful possession of a controlled substance in the second degree if:

(1) Except as otherwise authorized, and except as otherwise provided in the provisions entitled "Possession of Marihuana in the First Degree and Possession of Marihuana in the Second Degree," he possesses a controlled substance named or described in Sections 20-2-23(3), 20-2-27, 20-2-29 or 20-2-31, Code of Alabama 1975; or

(2) He obtains by fraud, deceit, misrepresentation or subterfuge or alteration of a prescription or written order or by the concealment of a material fact or by the use of a false name or giving a false address a controlled substance named or described in Sections 20-2-23(3), 20-2-27, 20-2-29 or 20-2-31, Code of Alabama 1975.

(b) Unlawful possession of a controlled substance in the second degree is a Class C felony.

**Section 6.** Unlawful Possession of Marihuana in the First Degree.

(a) A person commits the crime of unlawful possession of marihuana in the first degree if, except as otherwise authorized:

(1) He possesses marihuana; or

(2) He possesses marihuana for his personal use only after having been previously convicted of unlawful possession of marihuana

in the second degree or unlawful possession of marihuana for his personal use only.

(b) Unlawful possession of marihuana in the first degree is a Class C felony.

**Section 7. Unlawful Possession of Marihuana in the Second Degree.**

(a) A person commits the crime of unlawful possession of marihuana in the second degree if, except as otherwise authorized, he possesses marihuana for his personal use only.

(b) Unlawful possession of marihuana in the second degree is a Class A misdemeanor.

**Section 8. Unlawful Possession of Narcotic Paraphernalia.**

(a) "Drug related object" means any instrument, device, or object which is designed, produced or marketed as useful primarily for one or more of the following purposes:

(1) To inject, ingest, inhale, or otherwise introduce into the human body marihuana or a controlled substance;

(2) to enhance the effect on the human body of marihuana or a controlled substance;

(3) to test the strength, effectiveness, or purity of marihuana or a controlled substance;

(4) to process or prepare for introduction into the human body marihuana or a controlled substance;

(5) to conceal any quantity of marihuana or a controlled substance;

(6) to contain or hold marihuana or a controlled substance while it is being introduced into the human body.

(b) It shall be unlawful for any person or corporation, knowing the drug related nature of the object, to sell, lend, rent, lease, give, exchange, or otherwise distribute to any person any drug related object. It shall also be unlawful for any person or corporation, knowing the drug related nature of the object, to display for sale, or possess with the intent to distribute, any drug related object. Unless stated within the body of the advertisement or notice that the object that is advertised or about which information is disseminated is not available for distribution of any sort in Alabama, it shall be unlawful for any person or corporation, knowing the drug related nature of the object, to distribute or disseminate in any manner to any person any advertisement of any kind or notice of any kind which gives informa-

tion, directly or indirectly, on where, or how, or from whom, or by what means any drug related object may be obtained or made. "Knowing" as used herein means either actual or constructive knowledge of the drug related nature of the object, and a person or corporation has constructive knowledge of the drug related nature of the object if he or it has knowledge of facts which would put a reasonable and prudent person on notice of the drug related nature of the object.

(c) It shall be unlawful for any person or corporation, other than a licensed pharmacist or practitioner licensed to dispense legal drugs, to sell, lend, rent, lease, give, exchange, or otherwise distribute to any person a hypodermic syringe or needle designed or marketed primarily for human use. It shall be an affirmative defense that the hypodermic syringe or needle was marketed for a legitimate medical purpose.

(d) It shall be an affirmative defense that the person to whom the drug related object or advertisement or notice was distributed had a prescription from a licensed medical practitioner or psychiatrist for marihuana or the controlled substance for which the object is primarily intended to be used. It is also an affirmative defense that the drug related object was designed or marketed as useful primarily for veterinary or agricultural purposes.

(e) For a first offense, any person or corporation which shall violate any provision of this section shall be guilty of a Class A misdemeanor. For a second offense, the defendant shall be guilty of a Class C felony.

(f) All instruments, devices, and objects which are distributed or possessed in violation of this section are hereby declared to be contraband and subject to forfeiture as provided for in Section 20-2-93, Code of Alabama 1975.

## **Section 9. Forfeiture and Seizures.**

Section 20-2-93, Code of Alabama 1975, is hereby amended to read as follows:

"§ 20-2-93.

"(a) The following are subject to forfeiture:

"(1) All controlled substances which have been manufactured, distributed, dispensed or acquired in violation of this chapter;

"(2) all raw materials, products and equipment of any kind which are used or intended for use in manufacturing, compounding, processing, delivering, importing or exporting any controlled substance in violation of this chapter;

"(3) all property which is used or intended for use as a container for property described in subdivisions (1) or (2) of this subsection;

“(4) Lawful currency (money) of the United States of America seized:

“a. On or within any conveyance, including aircraft, vehicles or vessels, when the same are being used or intended for use to transport or in any manner to facilitate the transportation for the purpose of sale or receipt of property described in subdivisions (1) or (2) of this subsection;

“b. On the person of any human being found in the act of selling or receiving, or attempting to sell or receive, property described in subdivisions (1) or (2) of this subsection;

“c. Inside the room, closet, hallway, passageway or other immediate area of any building of any type whatsoever, wherein any human being is found in the act of selling or receiving, or attempting to sell or receive, property described in subdivision (1) or (2) of this subsection;

“d. Inside any piece of baggage, bag, package or container within the immediate proximity of any human being found in the act of selling or receiving, or attempting to sell or receive, any property described in subdivisions (1) or (2) of this subsection.

“(5) All conveyances, including aircraft, vehicles or vessels from which a person or persons sells, furnishes, gives away, manufactures, transports, facilitates the transportation thereof, delivers, or distributes any property described in subdivisions (1) or (2) of this subsection; provided, however, that:

“a. No conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this chapter;

“b. No conveyance is subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without his knowledge or consent; and

“c. A forfeiture of conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if he neither had knowledge of nor consented to the act or omission;

“(6) All books, records and research products and materials, including formulas, microfilm, tapes and data, which are used or intended for use in violation of this chapter.

“(7) All moneys, funds, negotiable instruments, securities, or other things of value furnished or intended to be furnished by any

person in exchange for a controlled substance in violation of this act, all proceeds traceable to such an exchange, and all moneys, funds, negotiable instruments, securities, and other things of value used or intended to be used to facilitate any violation of this act.

“(b) Property subject to forfeiture under this chapter may be seized by state, county or municipal law enforcement agencies upon process issued by any court having jurisdiction over the property. Seizure without process may be made if:

“(1) The seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant;

“(2) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding based upon this chapter;

“(3) The state, county or municipal law enforcement agency has probable cause to believe that the property is directly or indirectly dangerous to health or safety; or

“(4) The state, county or municipal law enforcement agency has probable cause to believe that the property was used or is intended to be used in violation of this chapter.

“(c) In the event of seizure pursuant to subsection (b) of this section, proceedings under subsection (d) of this section shall be instituted promptly.

“(d) Property taken or detained under this section shall not be subject to replevin but is deemed to be in the custody of the state, county or municipal law enforcement agency subject only to the orders and judgment of the court having jurisdiction over the forfeiture proceedings. When property is seized under this chapter, the state, county or municipal law enforcement agency may:

“(1) Place the property under seal;

“(2) Remove the property to a place designated by it;

“(3) Require the state, county and municipal law enforcement agency to take custody of the property and remove it to an appropriate location for disposition in accordance with law.

“(e) When property is forfeited under this chapter the state, county or municipal law enforcement agency may:

“(1) Retain it for official use; except for lawful currency (money) of the United States of America which shall be disposed of in the same manner provided for the disposal of proceeds from a sale in subsection (e) (2) of this section;



“(2) Sell that which is not required to be destroyed by law and which is not harmful to the public. The proceeds from the sale authorized by this subsection shall be used, first, for payment of all proper expenses of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of or custody, advertising and court costs; and the remaining proceeds from such sale shall be awarded and distributed by the court to any law enforcement or prosecuting agency or department which is determined by the court to have been a participant in the investigation resulting in the seizure, and such award and distribution shall be made on the basis of the percentage as determined by the court, which the respective agency or department contributed to the police work resulting in the seizure; and the court shall order that the said funds shall be used exclusively for law enforcement purposes.

“(3) Require the state, county or municipal law enforcement agency to take custody of the property and remove it for disposition in accordance with law.

“(f) Controlled substances listed in schedule I that are possessed, transferred, sold or offered for sale in violation of this chapter are contraband and shall be seized and summarily forfeited to the state. Controlled substances listed in schedule I which are seized or come into the possession of the state, the owners of which are unknown, are contraband and shall be summarily forfeited to the state.

“(b) Species of plants from which controlled substances in schedules I and II may be derived which have been planted or cultivated in violation of this chapter or of which the owners or cultivators are unknown or which are wild growths may be seized and summarily forfeited to the state.

“(h) No property shall be forfeited under this section to the extent of an owner's interest because of any act or omission which that owner proves was committed or omitted without the knowledge or consent of that owner.

#### **Section 10. Laws Amended.**

(A) Section 20-2-2, Code of Alabama 1975, is amended to read as follows:

##### **“§ 20-2-2. Definitions.**

“When used in this chapter, the following words and phrases shall have the following meanings, respectively, unless the context clearly indicates otherwise;

“(1) ADMINISTER. The direct application of a controlled

substance, whether by injection, inhalation, ingestion or any other means, to the body of a patient or research subject by:

“a. A practitioner or, in his presence, his authorized agent; or

“b. The patient or research subject at the direction and in the presence of the practitioner.

“(2) AGENT. An authorized person who acts on behalf of or at the direction of a manufacturer, distributor or dispenser. Such term does not include common or contract carrier, public warehouseman or employee of the carrier or warehouseman.

“(3) BUREAU. The bureau of narcotics and dangerous drugs, United States Department of Justice or its successor agency, and the Department of Public Safety, the Alabama Bureau of Investigation, or its successor agency.

“(4) CERTIFYING BOARDS. The state board of medical examiners, the state board of health, the state board of pharmacy, the state board of dental examiners and the state board of veterinary medical examiners.

“(5) CONTROLLED SUBSTANCE. A drug, substance or immediate precursor in schedules I through V of article 2 of this chapter.

“(6) DELIVER or DELIVERY. The actual, constructive or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship.

“(7) DISPENSE. To deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling or compounding necessary to prepare the substance for that delivery.

“(8) DISPENSER. A practitioner who dispenses.

“(9) DISTRIBUTE. To deliver other than by administering or dispensing a controlled substance.

“(10) DISTRIBUTOR. A person who distributes.

“(11) DRUG.

“a. Substances recognized as drugs in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States or official national formulary or any supplement to any of them;

“b. Substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or animals;

"c. Substances (other than food) intended to affect the structure of any function of the body of man or animals; and

"d. Substances intended for use as a component of any article specified in paragraphs a, b or c of this subdivision. Such term does not include devices or their components, parts or accessories.

"(12) IMMEDIATE PRECURSOR. A substance which the state board of pharmacy has found to be and by rule designates as being the principal compound commonly used or produced primarily for use and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail or limit manufacture.

"(13) MANUFACTURE. The production, preparation, propagation, compounding, conversion or processing of a controlled substance either directly or indirectly, by extraction from substances of natural origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container; except, that this term does not include the preparation or compounding of a controlled substance by an individual for his own use or the preparation, compounding, packaging or labeling of a controlled substance:

"a. By a practitioner as an incident to his administering or dispensing of a controlled substance in the course of his professional practice; or

"b. By a practitioner or by his authorized agent under his supervision for the purpose of or an incident to research, teaching or chemical analysis and not for sale.

"(14) MARIHUANA. All parts of the plant *Cannabis sativa* L., whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. Such term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake or the sterilized seed of the plant which is incapable of germination.

"(15) NARCOTIC DRUG. Any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis:

“a. Opium and opiate and any salt, compound, derivative or preparation of opium or opiate.

“b. Any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph a, but not including the isoquinoline alkaloids of opium.

“c. Opium poppy and poppy straw.

“d. Coca leaves and any salt, compound, derivative or preparation of coca leaves and any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

“(16) OPIATE. Any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. Such term does not include, unless specifically designated as controlled under this section, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). Such terms does include its racemic and levorotatory forms.

“(17) OPIUM POPPY. The plant of the species *Papaver somniferum* L., except its seeds.

“(18) PERSON. Individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association or any other legal entity.

“(19) POPPY STRAW. All parts, except the seeds, of the opium poppy, after mowing.

“(20) PRACTITIONER.

a. A physician, dentist, veterinarian, scientific investigator or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state.

“b. A pharmacy, hospital or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state.

“(21) PRODUCTION. The manufacture, planting, cultivation, growing or harvesting of a controlled substance.

“(22) STATE. When applied to a part of the United States, such term includes any state, district, commonwealth, territory, in-

sular possession thereof and any area subject to the legal authority of the United States of America.

“(23) **ULTIMATE USER.** A person who lawfully possesses a controlled substance for his own use or for the use of a member of his household or for administering to an animal owned by him or by a member of his household.”

(B) Section 20-2-72, Code of Alabama 1975, is amended to read as follows:

“§ 20-2-72.

“Prohibited Acts C

“(a) It is unlawful for any person:

“(1) To distribute as a registrant a controlled substance classified in schedules I or II, except pursuant to an order form as required by section 20-2-57;

“(2) To use in the course of the manufacture or distribution of a controlled substance a registration number which is fictitious, revoked, suspended or issued to another person;

“(3) To acquire or obtain possession of a controlled substance by misrepresentation, fraud, forgery, deception or subterfuge,

“(4) To furnish false or fraudulent material information in or omit any material information from any application, report or other document required to be kept or filed under this chapter or any record required to be kept by this chapter; or

“(b) Any person who violates this section is guilty of a Class B felony.”

(C) Section 20-2-32, Code of Alabama 1975 is amended to read as follows:

“§ 20-2-32.

“The state board of health shall revise and republish the schedules annually. The annual publication of schedules by the state board of health as required in a newspaper of general circulation shall be prima facie evidence that the substances listed in the publication are controlled substances. Proof of publication may be established as provided in Code of Alabama 1975, § 12-21-68.”

**Section 11.** Act No. 82-426, 1982 Regular Session, Incorporated. Act No. 82-426, 1982 Regular Session, “the Imitation Controlled Substances Act,” is hereby incorporated in this act the same as if fully set out herein.

**Section 12.** Trafficking Laws Amended. Section 20-2-80, Code of Alabama 1975, is amended to read as follows:

“§ 20-2-80. Trafficking in marihuana, cocaine, etc.; mandatory minimum terms of imprisonment.

“As used in this section the following word, unless the context clearly indicates the contrary, shall have the following meaning:

“**MARIHUANA.** All parts of any plant of the genus *Cannabis*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin.

“Except as authorized in Article 6, Chapter 2, Title 20:

“(1) Any person who knowingly sells, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, in excess of one kilo or 2.2 pounds of marihuana is guilty of a felony, which felony shall be known as ‘trafficking in marihuana.’ If the quantity of marihuana involved:

“a. Is in excess of one kilo or 2.2 pounds, but less than 2,000 pounds, such person shall be sentenced to a mandatory minimum term of imprisonment of three calendar years and to pay a fine of \$25,000.00.

“b. Is 2,000 pounds or more, but less than 10,000 pounds, such person shall be sentenced to a mandatory minimum term of imprisonment of five calendar years and to pay a fine of \$50,000.00.

“c. Is 10,000 pounds or more, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 calendar years and to pay a fine of \$200,000.00.

“(2) Any person who knowingly sells, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 28 grams or more of cocaine or of any mixture containing cocaine, described in section 20-2-25(1), is guilty of a felony, which felony shall be known as ‘trafficking in cocaine.’ If the quantity involved:

“a. Is 28 grams or more, but less than 200 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of three calendar years and to pay a fine of \$50,000.00.

“b. Is 200 grams or more, but less than 400 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of five calendar years and to pay a fine of \$100,000.00.

“c. Is 400 grams or more, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 calendar years and to pay a fine of \$250,000.00.

“(3) Any person who knowingly sells, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, four grams or more of any morphine, opium, or any salt, isomer, or salt of an isomer thereof, including heroin, as described in section 20-2-23(2) or section 20-2-25(1)a, or four grams or more of any mixture containing any such substance, is guilty of a felony, which felony shall be known as ‘trafficking in illegal drugs.’ If the quantity involved:

“a. If four grams or more, but less than 14 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of three calendar years and to pay a fine of \$50,000.00.

“b. Is 14 grams or more, but less than 28 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 10 calendar years and to pay a fine of \$100,000.00.

“c. Is 28 grams or more, such person shall be sentenced to a mandatory minimum term of imprisonment of 25 calendar years and to pay a fine of \$500,000.00.

(4) Any person who knowingly sells, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 100 pills or more or 100 capsules or more or 70 grams of powder of the substance methaqualone is guilty of a felony, which felony shall be known as ‘trafficking in methaqualone.’ If the quantity involved:

(a) Is 100 pills or more, but less than 200 pills or 70 grams of powder or more, but less than 150 grams of powder, such person shall be sentenced to a mandatory term of imprisonment of three calendar years and to pay a fine of \$50,000.00.

(b) Is 200 pills or more, but less than 400 pills or 150 grams of powder or more, but less than 300 grams of powder, such person shall be sentenced to a mandatory term of imprisonment of five calendar years and to pay a fine of \$100,000.00.

(c) Is 400 pills or more, or 300 grams of powder or more, such person shall be sentenced to a mandatory term of imprisonment of ten calendar years and to pay a fine of \$250,000.00.

“(5) (a) Notwithstanding the provisions of chapter 22, Title 15, with respect to any person who is found to have violated this article, adjudication of guilt or imposition of sentence shall not be suspended, deferred, or withheld, nor shall such person be eligible for parole prior to serving the mandatory minimum term of imprisonment prescribed by this article.

“(b) the prosecuting attorney may move the sentencing court to reduce or suspend the sentence of any person who is convicted of

a violation of this article and who provides substantial assistance in the identification, arrest, or conviction of any of his accomplices, accessories, co-conspirators, or principals. The arresting agency shall be given an opportunity to be heard in aggravation or mitigation in reference to any such motion. Upon good cause shown, the motion may be filed and heard in-camera. The judge hearing the motion may reduce or suspend the sentence if he finds that the defendant rendered such substantial assistance.

“(c) For the purposes of attempt, conspiracy, solicitation and habitual offender treatment, a violation of this section will be treated as a Class B felony. Provided however, that the sentence of imprisonment for violating this section shall be the sentence provided in this act or the sentence provided under Code of Alabama 1975, section 13A-5-9, whichever is greater. Provided further, that the fine for violating this section shall be the fine provided in this act or the fine provided under Code of Alabama 1975, section 13A-5-11, whichever is greater.”

**Section 13.** Inclusion in Title 13A. The provisions of this act are to be included in the Code of Alabama 1975, as a part of Title 13A, “Alabama Criminal Code,” and all provisions are applicable thereto; provided that the provisions contained in section 10 of this act shall also be included in Title 20.

**Section 14.** Repealer. Sections 20-2-70, 20-2-73, and 20-2-75, Code of Alabama 1975 are repealed, and any and all other laws or parts of laws that conflict with this act are hereby repealed insofar as conduct occurring after the effective date of this act is concerned.

**Section 15.** Relation to Consistent Laws. The provisions of this act are supplemental to other laws not inconsistent with this act, and such other laws shall not be deemed to be repealed by this act.

**Section 16.** Applicability. This act applies to conduct occurring after its effective date. Conduct occurring before the effective date of this act shall be governed by pre-existing law.

**Section 17.** Severability. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 18.** Effective Date. This act shall take effect at 12:01 a.m. on the 90th day after its passage and approval by the Governor, or at 12:01 a.m. on the 90th day after its otherwise becoming a law.

Approved August 22, 1982

Time: 5:00 P.M.



Act No. 82-840

H. 57—Rep. Harvey

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AN ACT

Relating to Blount County; authorizing the County Board of Education to insure school property in the state insurance fund or in an insurance company.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** In accordance with Section 41-15-1, Code of Alabama 1975, the Blount County Board of Education is hereby authorized to insure school buildings and property in the state insurance fund or in an insurance company, whichever in the opinion of such Board provides the best coverage for such school buildings and property.

**Section 2.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 22, 1982

Time: 5:00 P.M.

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Act No. 82-841

H. 82—Reps. McMillan, Penry

## AN ACT

Relating to Baldwin County; authorizing the Baldwin County Board of Health to annually fix a schedule of fees for services rendered pursuant to the duties with which the board is charged; to provide for the annual examination and approval of such fee schedules by the county commission; to authorize the exemption of certain persons from paying said fees; to authorize the county board of health to promulgate rules and regulations proper for the administration of this act.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The Board of Health of Baldwin County may annually fix a schedule of fees which shall cover the actual cost or a portion thereof involved in the performance of services rendered, pursuant to the duties, functions and programs required by law or by regulation or of the County or State Board of Health. Any fee schedule fixed pursuant to this act shall be effective upon approval of the County Commission of Baldwin.

**Section 2.** The Baldwin County Board of Health is hereby authorized to promulgate rules and regulations necessary and proper for the administration of this act. Such regulations shall include but not be limited to the furnishing of services without charge to docu-

mented indigent residents, or persons of said county, and matters pertaining to payment of said fee for personal health services, permits and inspections.

**Section 3.** All fees and receipts collected shall be paid over to the Baldwin County Health Officer of Baldwin County and deposited in a depository of the county and shall be expended for the support, maintenance, and operation of the public health services in said county.

**Section 4.** Funds collected under this act may be utilized to match funds from other available sources.

**Section 5.** The provisions of this act are severable. If any part of this act is declared to be invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 6.** All laws or parts of laws which conflict with this act are hereby repealed.

**Section 7.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 22, 1982

Time: 5:00 P.M.

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Act No. 82-842

H. 84—Reps. McMillan, Penry

### AN ACT

Relating to Baldwin County; providing that the probate judge shall not receive for record or permit the recording of any instrument, conveying title or any interest in real property that does not have legibly printed, typewritten or stamped thereon the grantee's and grantor's names and latest complete addresses.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The probate judge of Baldwin County shall not receive for record or permit the recording of an instrument in which the title to real property, or of any interest therein, or lien thereon, is conveyed, granted, encumbered, assigned, or otherwise disposed of, unless such an instrument has endorsed on it, printed, typewritten or stamped thereon, the grantee's and grantor's names and latest complete addresses.

**Section 2.** The probate judge shall not be liable in damages or penalty for any error or mistake in the performance of the duties by this act if committed in good faith.

**Section 3.** This requirement imposed by Section 1 above shall be construed to be in addition to and supplemental to any other laws relating to the recording of any vesting instruments, conveying title or any interest to real property.

**Section 4.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 22, 1982

Time: 5:00 P.M.

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Act No. 82-843

H.J.R. 62—Rep. Williams

## HOUSE JOINT RESOLUTION

### COMMENDING MR. SAM H. WAINWRIGHT.

WHEREAS, the Alabama Legislature wishes to note the achievements of Mr. Sam H. Wainwright in the field of engineering; and

WHEREAS, Sam H. Wainwright has been honored with receiving the distinguished service award given by the National Council of Engineering Examiners at the 61st annual meeting in Minneapolis for "dedicated and outstanding contributions to the advancement of professional engineering or land surveying registration"; and

WHEREAS, Sam Wainwright has served as past chairman and as past secretary of the State Board of Registration for Professional Engineers and Land Surveyors; and

WHEREAS, Mr. Wainwright has also served as past secretary of the Southern Zone of the National Council of Engineering Examiners and as past chairman of the Land Surveying Committee of the National Council; and

WHEREAS, Sam Wainwright has made numerous contributions to civic affairs and has given freely of his time to the Boy Scouts; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend Mr. Sam H. Wainwright for his achievements in the engineering field and his civic contributions to his hometown and his state.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Wainwright so that he may know of our sentiments.

Approved August 22, 1982

Time: 5:00 P.M.

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Act No. 82-844

H.J.R. 63—Rep. Williams

HOUSE JOINT RESOLUTION

COMMENDING SERGEANT CARL K. CANNON FOR MERITORIOUS SERVICE TO THE YOUTH OF FORT RUCKER AND THE DALE COUNTY AREA.

WHEREAS, Sergeant Carl K. Cannon, 141st Military Police Company, United States Army Aviation Center, Fort Rucker, Alabama, has distinguished himself by meritorious service while serving as an advocate of the youth from throughout the military and civilian communities of Dale County; and

WHEREAS, Sergeant Cannon's unusual competence, initiative, imagination, organizational ability and constant devotion to duty have earned him the respect and admiration of both the military and civilian members of the Fort Rucker community; and

WHEREAS, Sergeant Cannon has worked through the Fort Rucker, Daleville and Ozark School Systems to organize and implement an "OFFICER FRIENDLY" program and from this program, a Junior Military Police Cadet organization has evolved with membership open to both civilian and military dependents; the primary objective of the activity is to create a favorable image of the Law Enforcement Officers and greater respect for the law; and

WHEREAS, through his versatility and insight to grasp the special needs of the youth, Sergeant Cannon's presence and involvement in all the youth programs of the area is highly visible and his contributions have contributed significantly to the quality of life for all the residents; and

WHEREAS, the result of his labor has been evident in the reduction of youth related vandalism and criminal activities in the area; and

WHEREAS, Sergeant Cannon's competence and skilled acumen have been matched by few volunteers; his attitude is commensurate with the highest degree of professionalism and his ideas have prevailed in a wide variety of situations where his special talents and mature judgement were the difference between success and failure; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby ex-

press deep appreciation to Sergeant Carl K. Cannon, "Officer Friendly," for his devotion to the youth of the Fort Rucker and Dale County area.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Commanding General, United States Army Aviation Center, Fort Rucker, Alabama, for placement in Sergeant Cannon's record, and that a copy also be presented to Sergeant Cannon in declaration of our gratitude and regard.

Approved August 22, 1982

Time: 5:00 P.M.

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Act No. 82-845

H.J.R. 66—Rep. Manley

#### HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when the two houses adjourn today, Friday, August 13, 1982, they adjourn sine die.

Approved August 22, 1982

Time: 5:00 P.M.

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Act No. 82-846

H.J.R. 68—Reps. Sandusky, Kennedy, Zoghby, Harper (T), Bedsole, McMillan, Adams (C), Adams (H), Albright, Amari, Barton, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Laird,

Langford, Letson, Lewis,  
 McCorquodale, McKee, Manley,  
 Minus, Mitchell, Moore,  
 Naramore, Nevett, Olive, Owens,  
 Parker, Patton, Payne, Pegues,  
 Penry, Rains, Ray, Reed, Riddick,  
 Roberts, Sasser, Seibels, Shavers,  
 Shoemaker, Smith (C), Smith (J),  
 Smith (M), Starkey, Stewart,  
 Stout, Trammell, Tucker, Turner,  
 Turnham, Venable, Waggoner,  
 Ward, Warren, Whatley,  
 Williams, Willis, Wyatt,

### HOUSE JOINT RESOLUTION

#### SUPPORTING BALANCED BUT EXPEDITED ENERGY DEVELOPMENT.

WHEREAS, the State of Alabama is suffering through one of the worst economic periods in her history, with declining business activity and a resultant loss in jobs; and

WHEREAS, a long-term and assured source of energy is essential to the continued viability of existing business, the state's attraction to new business, and an improved standard of living for Alabama citizens; and

WHEREAS, lease bonuses and royalties from oil and gas production from state lands will aid all Alabamians; and

WHEREAS, thirty years of experience and several environmental studies have shown energy production can exist in harmony with the environment and the seafood and tourist industry; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we support balanced but expedited energy development and in particular oil and gas development of the state's offshore acreage for the benefit of all Alabamians.

Approved August 22, 1982

Time: 5:00 P.M.

## SENATE JOINT RESOLUTION

DESIGNATING THE ASHVILLE ROAD, FROM WHITMIRE STREET TO U.S. HIGHWAY 78 in LEEDS, JEFFERSON COUNTY, ALABAMA, AS AN "EXTENSION OF HIGHWAY 119."

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, THAT the Ashville Road, from Whitmire Street to U.S. Highway 78 in Leeds, Jefferson County, Alabama, is hereby designated, and shall henceforth and forever be known, as an "Extension of Highway 119."

BE IT FURTHER RESOLVED, That the proper authorities are directed to erect and maintain appropriate signs and markers so designating said road as an "Extension of Highway 119."

Approved August 22, 1982

Time: 5:00 P.M.

Act No. 82-848

S. 16—Messrs. Mitchem and Kirkland

## AN ACT

To amend the definitions contained in Section 13A-10-30 (the criminal code article on escape and related crimes) to provide that the failure of an inmate to remain within the limits of his confinement extended pursuant to any work release, trustee, furlough, leave, or pass program or to return within the time prescribed pursuant to such program to the place of confinement is an escape from custody and punishable as such; to provide that the restraint or detention aspect of custody for purposes of escape can be either actual or constructive; to define escape; to specify the conduct to which this act applies; to repeal all conflicting laws or parts of laws insofar as they apply to conduct occurring after the effective date of this act; and to provide an effective date.

*Be It Enacted by the Legislature*

**Section 1.** Code of Alabama 1975, Section 13A-10-30 is hereby amended to read as follows:

Section 13A-10-30. (a) The definitions contained in section 13A-10-1 are applicable in this article unless the context requires otherwise.

(b) The following definitions are also applicable to this article:

(1) CUSTODY. A restraint or detention, either actual or constructive, by a public servant pursuant to a lawful arrest, conviction or order of court, which includes the obligation of an inmate to remain within the limits of confinement extended pursuant to any work release, trustee, furlough, leave, or pass program or to return within

the time prescribed pursuant to such a program to the place of confinement, but does not include mere supervision of probation or parole, or constraint incidental to release on bail.

(2) **DETENTION FACILITY.** Any place used for the confinement, pursuant to law, of a person:

- a. Charged with or convicted of a criminal offense; or
- b. Charged with being or adjudicated a youthful offender, or a neglected minor or juvenile delinquent; or
- c. Held for extradition; or
- d. Otherwise confined pursuant to an order of court.

(3) **PENAL FACILITY.** Any security correctional institution for the confinement of persons arrested for, charged with or convicted of a criminal offense, including but not limited to the following security facilities: the state penitentiary and any branch thereof or any county or city jail and any branch thereof.

(4) **CONTRABAND.** Any article or thing which a person confined in a detention facility is legally prohibited from obtaining or possessing by statute, rule, regulation or order.

(5) **ESCAPE.** Departure from custody, including the failure of an inmate to remain within the limits of confinement extended pursuant to any work release, trustee, furlough, leave, or pass program or to return within the time prescribed pursuant to such a program to the place of confinement."

**Section 2.** This act shall apply to conduct occurring after its effective date. Conduct occurring prior to its effective date is governed by pre-existing law.

**Section 3.** Code of Alabama 1975, Section 14-8-42 and Section 14-8-67 are hereby repealed. In addition, any and all other laws or parts of laws in conflict with this act are hereby repealed.

**Section 4.** The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 5.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved August 22, 1982

Time: 5:00 P.M.



Act No. 82-849

S. 17—Mr. Mitchem

## AN ACT

To make the illegal possession of food stamps a criminal offense and to prescribe the punishment for the commission of such crime.

*Be It Enacted by the Legislature of Alabama:***Section 1.** Illegal Possession of Food Stamps - Definitions

(a) A food stamp coupon is any coupon, stamp or type of certificate issued pursuant to the provisions of the Food Stamp Act of 1977.

(b) A food stamp authorization card is a document issued by the state agency to an eligible household which shows the total value of coupons the household is authorized to receive during each month pursuant to the provisions of the Food Stamp Act of 1977.

(c) A person commits the crime of illegal possession of food stamps if:

(1) he knowingly uses, transfers, acquires, alters or possesses food stamp coupons or food stamp authorization cards in any manner not authorized by the Food Stamp Act of 1977 or the regulations issued pursuant to the Act;

(2) or he presents or causes to be presented food stamp coupons for payment of redemption knowing the same to have been received, transferred or used in any manner not authorized by the Food Stamp Act of 1977 or the regulations pursuant to the Act.

**Section 2.** Illegal Possession of Food Stamps in the First Degree

(a) Illegal possession of food stamps which exceed a thousand dollars in value constitutes illegal possession of food stamps in the first degree.

(b) Illegal possession of food stamps in the first degree is a Class B felony.

**Section 3.** Illegal Possession of Food Stamps in the Second Degree

(a) Illegal possession of food stamps which exceed a hundred dollars in value but does not exceed a thousand dollars in value constitutes the illegal possession of food stamps in the second degree.

(b) Illegal possession of food stamps in the second degree is a Class C felony.

**Section 4.** Illegal Possession of Food Stamps in the Third Degree

(a) Illegal possession of food stamps which does not exceed a hundred dollars in value constitutes illegal possession of food stamps in the third degree.

(b) Illegal possession of food stamps in the third degree is a Class A misdemeanor.

**Section 5.** All laws or parts of laws which conflict with this Act are hereby repealed.

**Section 6.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 22, 1982

Time: 5:00 P.M.

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Act No. 82-850

S. 23—Mr. White

**AN ACT**

To amend sections 12-15-1, 12-15-30, 12-15-33 and 12-15-34, Code of Alabama 1975, all of which relate to juvenile court proceedings, so as to: define further the term "delinquent act"; to provide further for the original jurisdiction of juvenile courts; to provide further for the transfer of cases to the juvenile courts; and to provide further for the transfer of cases from juvenile courts to adult courts.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Sections 12-15-1, 12-15-30, 12-15-33, and 12-15-34, Code of Alabama 1975, are hereby amended to read as follows:

"§ 12-15-1. When used in this chapter, the following words and phrases shall have the following meanings, respectively, unless the context clearly indicates otherwise:

"(1) **ADULT.** An individual 19 years of age or older.

"(2) **AFTERCARE.** Such conditions and supervision as the court orders after release of legal custody.

"(3) **CHILD.** a. Such term, before January 1, 1978, means an individual under the age of 17 or under 19 years of age who committed the act of delinquency with which he is charged before reaching the age of 17 years.

"b. Such term, after December 31, 1977, means an individual under the age of 18 or under 19 years of age and who committed the

act of delinquency with which he is charged before reaching the age of 18 years.

“(4) CHILD IN NEED OF SUPERVISION. A child who:

“a. Being subject to compulsory school attendance, is habitually truant from school; or

“b. Disobeys the reasonable and lawful demands of his parents, guardian or other custodian and is beyond their control; or

“c. Has committed an offense established by law but not classified as criminal or one applicable only to children; and

“d. In any of the foregoing is in need of care or rehabilitation.

“(5) COMMIT. Transfer legal and physical custody.

“(6) CONSENT DECREE. An order, entered after the filing of a delinquency petition and before the entry of an adjudication order, suspending the proceedings and continuing the case of the child under supervision in the child's own home, under terms and conditions agreed to by all parties concerned.

“(7) COURT OR JUVENILE COURT. The juvenile division of the district court or the juvenile division of the circuit court as established by this chapter.

“(8) DELINQUENT ACT. An act designated a crime under the law of this state or of another state if the act occurred in another state or under federal law or a violation of a municipal ordinance; provided, however, that crimes designated as Class A felonies, and any offense arising out of the same incident as a Class A felony charge, committed by one sixteen (16) years of age or older, traffic offenses committed by one sixteen (16) years of age or older and all offenses under the conservation and natural resources laws of the state of Alabama committed by one sixteen (16) years of age or older shall be excepted unless transferred to the juvenile court by the court having jurisdiction.

“(9) DELINQUENT CHILD. A child who has committed a delinquent act and is in need of care or rehabilitation.

“(10) DEPENDENT CHILD. A child:

“a. Who, for any reason is destitute, homeless or dependent on the public for support; or

“b. Who is without a parent or guardian able to provide for his support, training or education; or

“c. Whose custody is the subject of controversy; or

"d. Whose home, by reason of neglect, cruelty or depravity on the part of his parent, parents, guardian or other person in whose care he may be, is an unfit and improper place for him; or

"e. Whose parent, parents, guardian or other custodian neglects or refuses, when able to do so or when such service is offered without charge, to provide or allow medical, surgical or other care necessary of such child's health or well-being; or

"f. Who is in such condition or surroundings or is under such improper or insufficient guardianship or control as to endanger his morals, health or general welfare; or

"g. Who has no proper parental care or guardianship; or

"h. Whose parent, parents, guardian or custodian fail, refuse or neglect to send such child to school in accordance with the terms of the compulsory school attendance laws of this state; or

"i. Who has been abandoned by his parents, guardian or other custodian; or

"j. Who is physically, mentally or emotionally abused by his parents, guardian or other custodian or who is without proper parental care and control necessary for his well-being because of the faults or habits of his parents, guardian or other custodian or their neglect or refusal, when able to do so, to provide them; or

"k. Whose parents, guardian or other custodian are unable to discharge their responsibilities to and for the child; or

"l. Who has been placed for care or adoption in violation of the law; or

"m. Who for any other cause-is in need of the-care and protection of the state ; and

"n. In any of the foregoing, is in need of care or supervision.

"(11) DETENTION CARE. The temporary care of delinquent children or children alleged to be delinquent in secure custody pending court disposition or transfer to a residential facility or further care of a child adjudicated a delinquent; provided, however, that detention care may also include temporary care of children in need of supervision until January 1, 1978.

"(12) GUARDIAN AD LITEM. A licensed lawyer appointed by a court to defend or represent a child in any action to which such child may be a party.

"(13) INTAKE OFFICE. The office in the probation service or designee of the judge with the duty of primary contact with the

law enforcement agency and complainants of children coming under the jurisdiction of the court.

“(14) JUDGE. Judge of the juvenile court as prescribed by this chapter.

“(15) LAW ENFORCEMENT OFFICER. Any person, however denominated, who is authorized by law to exercise the police powers of the state or local governments.

“(16) LEGAL CUSTODIAN. A person, agency or department, other than a parent or legal guardian, to whom legal custody of the child has been given by court order or who is acting in loco parentis.

“(17) LEGAL CUSTODY. A legal status created by court order which vests in a custodian the right to have physical custody of the child and to determine where and with whom he shall live within the state and the right and duty to protect, train and discipline him and to provide him with food, shelter, clothing, education and ordinary medical care, all subject to the powers, rights, duties and responsibilities of the guardian of the person of the child and subject to any residual parental rights and responsibilities. An individual granted legal custody shall exercise the rights and responsibilities personally unless otherwise authorized by the juvenile court.

“(18) MINOR. An individual who is under the age of 19 years and who is not a ‘child’ within the meaning of this chapter.

“(19) PROBATION. The legal status created by court order following an adjudication of delinquency or in need of supervision whereby a child is permitted to remain in a community subject to supervision and return to court for violation of probation at any time during the period of probation.

“(20) PROTECTIVE SUPERVISION. A legal status created by court order following an adjudication of dependency whereby a child is permitted to remain in his home subject to supervision and to return to the court for violation of protective supervision at any time during the period of protective supervision.

“(21) RESIDENTIAL FACILITY. A dwelling, other than a detention or shelter care facility, providing living accommodations, care, treatment and maintenance for children, including institutions, foster family homes, group homes, halfway houses and forestry camps, and, where not operated by a public agency, licensed or approved to provide such care.

“(22) RESIDUAL PARENTAL RIGHTS AND RESPONSIBILITIES. Those rights and responsibilities remaining with the parent after the transfer of legal custody or guardianship of the

person, including, but not necessarily limited to, the right of visitation, the right to consent to adoption, the right to determine religious affiliation and the responsibility for support.

“(23) SHELTER CARE. The temporary care of children in group homes, foster care or other nonpenal facilities.”

“§ 12-15-30. (a) The juvenile court shall exercise exclusive original jurisdiction of the following proceedings, which are governed by this chapter:

“(1) Proceedings, in which a child is alleged to be delinquent, dependent or in need of supervision; and

“(2) Proceedings involving traffic offenses which have been transferred to the juvenile court pursuant to subsection (b) of section 12-15-33.

“(3) Proceedings which have been transferred to the juvenile court from any court having original jurisdiction pursuant to subsection (b) of section 12-15-33.

“(b) The court shall also exercise exclusive original jurisdiction of the following proceedings, which shall be governed by the laws relating thereto:

“(1) Proceedings to determine custody or to appoint a legal custodian or guardian of the person of a child when the child is otherwise before the court. This provision, however, shall not be construed to deprive other courts of the right to determine the custody or guardianship of the person of children when such custody or guardianship is incidental to the determination of cases pending in those courts. Such courts, however, may certify said questions to the juvenile court for hearing and determination or recommendation;

“(2) Removal of disabilities of nonage, including judicial consent to marriage, employment or enlistment when such consent is required by law;

“(3) Proceedings under the Interstate Compact on Juveniles;

“(4) Proceedings for the commitment of a mentally ill or mentally retarded child;

“(5) Proceedings for the adoption of a child when such proceedings have been removed from probate court on motion of any party to the proceedings; and

“(6) Termination of parental rights.

“(c) The court shall have original jurisdiction in proceedings:

“(1) Concerning any child:

“a. Who is a situation subjecting him to physical, mental or emotional abuse or is in clear and present danger of suffering lasting or permanent damage; or

“b. Who requires emergency medical treatment in order to preserve his live, prevent permanent physical impairment or deformity or alleviate prolonged agonizing pain;

“(2) Where it is alleged that a child’s rights are improperly denied or infringed in proceedings resulting in suspension, expulsion or exclusion from a public school.”

“§ 12-15-33. (a) If it shall be ascertained during the pendency of a criminal or quasi-criminal charge that a defendant was a child, as defined in this chapter, at the time of the alleged offense, that court, which shall have the duty to ascertain such age, shall forthwith transfer the case, together with all the papers, documents and transcripts of any testimony connected therewith, to the juvenile court, except when the offense alleged is a Class A felony committed by one sixteen (16) years of age or older. The transferring court shall order that the juvenile be taken forthwith to the place of detention designated by the juvenile court or to the juvenile court itself or shall release him to the custody of his parent or guardian or other person legally responsible for him or under his own recognizance, to be brought before the court at a time designated by it. The accusatory pleading may serve in lieu of a petition in the juvenile court, unless that court directs the filing of a petition. The juvenile court shall then proceed as provided in this chapter. All action taken by the court prior to transfer of the case shall be deemed null and void unless the juvenile court transfers under section 12-15-34.

“(b) Any court exercising jurisdiction over felonies, misdemeanors, violations, offenses under the conservation and natural resources laws or traffic offenses may transfer any case involving the alleged crime, violation or offense by a child, as defined in this chapter, to the juvenile court for adjudication as an act of delinquency, except in the case of a child who has been previously convicted of a felony offense in the adult court.

“§ 12-15-34. (a) The prosecutor may, before a hearing on the petition on its merits and following consultation with probation services, file a motion requesting the court to transfer the child for criminal prosecution, if:

“the child was fourteen (14) or more years of age at the time of the conduct charged and is alleged to have committed an act which would constitute a crime if committed by an adult.

“(b) The court shall conduct a hearing on all such motions for the purpose of determining whether it is in the best interest of the

child or the public to grant the motion. If the court so finds and there are no reasonable grounds to believe he is committable to an institution or agency for the mentally retarded or mentally ill, it shall order the case transferred for criminal prosecution.

“(c) When there are grounds to believe that the child is committable to an institution or agency for the mentally retarded or mentally ill, the court shall proceed as provided in section 12-15-70.

“(d) Evidence of the following and other relevant factors shall be considered in determining whether the motion shall be granted:

“(1) The nature of the present alleged offense;

“(2) The extent and nature of the child’s prior delinquency record;

“(3) The nature of past treatment effort and the nature of the child’s response to such efforts;

“(4) Demeanor;

“(5) The extent and nature of the child’s physical and mental maturity; and

“(6) The interest of the community and of the child requiring that the child be placed under legal restraint or discipline.

“(e) Prior to a hearing on the motion by the prosecutor, a study and report to the court, in writing, relevant to the factors listed in subsection (d) of this section shall be made by probation services.

“(f) When a person is transferred for criminal prosecution, the court shall set forth in writing its reasons for granting the motion, which shall include a finding or probable cause for believing that the allegations are true and correct.

“(g) Transfer of a child to adult court as herein provided terminates the jurisdiction of the juvenile court over the child with respect to pending delinquent acts.”

**Section 2.** All laws or parts of laws which conflict with this act are hereby repealed.

**Section 3.** The provisions of this act are severable. If any portion of this act shall be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining portions of this act.

**Section 4.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.



Approved August 22, 1982

Time: 5:00 P.M.

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Act No. 82-851

S. 33—Mr. Gullledge

AN ACT

To authorize the Baldwin County Commission to provide for the protection of forests from fire, insects, disease, beavers, and other pests within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The County Commission of Baldwin County is authorized, when the need exists, to provide for the protection of forests from fire, insects, disease, beavers, and other pests in Baldwin County by participating in the Alabama Forestry Commission's forest protection program in the manner hereinafter specified.

**Section 2.** (a) After the Baldwin County Commission has determined that such a need does exist in Baldwin County, the County Commission may, in the manner hereinafter specified, provide for a finance charge to be paid by the owners of forest lands located in Baldwin County for the use of the land for timber growing purposes amounting to the whole or any part of the cost of such forest protection program, but not in excess of ten cents per acre, provided such finance charge is not greater than the benefit accruing to such forest lands due to availability of such forest protection as specified in Section 1.

(b) "Forest lands" as used in this Act, shall mean any land which supports a forest growth, or which is being used or reserved for such purpose. "Forest lands" as used in this Act, shall not include any lands primarily used for residential purposes or homesites of five acres or less, nor shall it include any publicly owned lands.

(c) The finance charge fixed as provided in the above section shall be payable at the same time and in the same manner as county taxes, and the owners of the "Forest lands," as herein defined, shall make report of the same to the Tax Assessor of Baldwin County, Alabama, at the time fixed by law for making return of the property of such property owned. Finance charges levied shall constitute a lien on the property against which they are charged or taxed in case of default in the payment of such financial charge.

**Section 3.** The County governing body of Baldwin County is authorized to appoint agents and delegate authority to individuals to search out forest lands in Baldwin County, to determine the area and owners thereof, and report the same to the Tax Assessor of Baldwin County who shall be authorized, after notice by mail to such owners, and hearing before the County governing body if so requested by such owners, to place said finance charge against the said forest lands as may be determined by the report of such agents or the determination of said County governing body. It shall be the responsibility of the County Commission of Baldwin County to establish such rules and regulations as are necessary to administer the provisions of this Act.

**Section 4.** The finance charge herein imposed shall be due and payable to the Tax Collector of Baldwin County, and shall, when collected, be paid to the Treasurer of Baldwin County. All monies collected in accordance with this Act shall be spent in participating in the Alabama Forestry Commission's forest protection program in Baldwin County as specified in Section 1 and less administrative expenses of one thousand dollars (\$1000.00) per year and paid to Baldwin County.

**Section 5.** The County Commission of Baldwin County is authorized to remove such finance charge after said County Commission has determined that the finance charge is no longer needed. The County Commission shall hold public hearings to determine whether or not the finance charge is still needed. Procedures for such public hearings shall be the same as those in Section 3 of this Act.

**Section 6.** All laws or parts of laws which conflict with this Act are hereby repealed.

**Section 7.** The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 8.** This Act shall become effective immediately following its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 22, 1982

Time: 5:00 P.M.

To provide for the creation and organization of the Department of Air Transportation and Service; to provide for a central controlling authority to ensure the safe, efficient operation of State aircraft; to provide for the appointment of a director and employees; to provide for the transfer of aircraft and equipment used for the operation of such aircraft to the Department of Air Transportation and Service for various State agencies and departments; to provide for the centralization of the maintenance, management, storage, usage, fueling and operations of State aircraft; to provide for the duties, powers and functions of the Department of Air Transportation and Service including establishing a comprehensive program for management and service of State aircraft, maintain records of all State aircraft flights, maintain and initiate proficiency programs for State pilots, establish priorities for use of State aircrafts, ability to enter into contracts, prepare and maintain policy manual on State aircrafts, provide centralized service, assignment and control of State aircrafts; to create a revolving fund in State Treasury and to authorize the director of said department to make deposits and expenditures from time to time as may be necessary for said department's operations; to provide for the transfer of funds from various agencies to the Department of Air Transportation and Service; to provide that said department shall be subject to audit by the Department of Examiners of Public Accounts; to require annual reports of the departments to be made by the director to the Governor; to repeal all laws or parts of laws in conflict or inconsistent herewith; and to provide for an effective date.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** This Act shall be known and may be cited as the "Department of Air Transportation and Service Act of 1982."

**Section 2.** It is the intent of this legislature by the enactment hereof to recognize and address the need for a central controlling authority to ensure the safe, efficient operation of State owned, operated, leased, or rented aircraft, not excepted by the provisions of this Act.

**Section 3.** Unless the context clearly indicates otherwise, the following words and phrases shall have the following meanings:

(a) "Department of Air" means the Department of Air Transportation and Service herein created.

(b) "State aircraft" means any aircraft, including support equipment, which is owned, operated, leased, rented or chartered by the State of Alabama, not excepted by the provisions of this Act.

(c) "Personnel" means persons employed or contracted in the operation of State aircraft as of the effective date of this Act not excepted by the provisions of this Act.

(d) "State" means the State of Alabama.

**Section 4.** There is hereby created and established the Department of Air Transportation and Service in the Executive Branch of State Government, hereinafter referred to as the Department of Air. The Department of Air due to the safety consideration involved in management and the need to provide for continuity of the management of a state program of air transportation and service shall be

directed by a person appointed by the Governor from a list of qualified personnel established by the State Department of Personnel. The director shall appoint, subject to the provisions of the merit system, such personnel required for the operation of the Department of Air.

**Section 5.** The employees of the Department of Air shall be governed by the merit system rules and regulations of the State Department of Personnel, both for existing classifications and for new positions which are deemed necessary by the director in order to implement the provisions of this Act, except all pilot classifications shall be eligible for retirement at 55 (fifty-five) with a minimum of 15 (fifteen) years of good service. All employees employed or contracted as of the effective date of this Act in the operation of state aircraft of the various existing state agencies, shall remain in their respective employment positions or may be promoted to existing merit positions or to newly created merit positions, and shall be considered to meet the requirements of the positions in terms of training, experience or other qualifications; but nothing herein shall be construed to prevent the removal of any employee except in the manner provided by the merit system.

**Section 6.** (a) As of the effective date of this Act, title and possession of all state aircraft owned by the various agencies, except as herein excepted, shall be transferred to the Department of Air. The transfer shall include but shall not be limited to, all aircraft, support equipment, tools, automobiles, hangars and other items used in the daily operation of state aircraft. The various agencies shall transfer complete title to the transferred items.

(b) The State Forestry Commission, the Department of Public Safety, the Alabama Department of Aeronautics, the State Oil and Gas Board, all universities, colleges and trade schools, and the State Department of Conservation and Natural Resources shall each be excepted from the provisions of this Act, except pilot classifications of the the State Forestry Commission and the State Department of Conservation and Natural Resources, and they shall be governed by Section 5 (five) of this Act. Each excepted commission or department will utilize the Department of Air central state hangars, fuel and maintenance department when economically feasibly. Such services rendered by the central state hangar, fuel and maintenance department shall be billed by the Department of Air at the end of each month to the respective commission or department.

(c) Upon the transfer of property and the beginning of the Department of Air operations, the Department of Air shall establish a program administering the state's aircraft operations. The Department of Air shall set reasonable charges for the use and maintenance

of aircraft by other state agencies, departments, and instrumentalities. All charges or fees collected, and income earned from such charges, shall be deposited into a revolving fund in the state treasury created in Section 8 (eight) hereof. The director is authorized to make deposits and expenditures from time to time from such fund as are necessary to implement the provisions of this Act.

(d) Upon the effective date of this Act, all state aircraft operations, except those excluded by subsection (b) above shall adhere to the maintenance and pilot proficiency requirements as may be established by the Federal Aviation Agency (FAA) regulations or regulations of the Department of Air. A policy manual and records of aircraft operations shall be maintained by the Department of Air. All state aircraft will be on call for emergency use, when needed.

Aircraft which are normally used for law enforcement and forestry shall continue to be for the purpose.

**Section 7.** The Department of Air shall have the following powers, duties and functions over all state aircraft except those excepted by Section 6 (six), Subsection (b).

(a) To administer, maintain and schedule a comprehensive program of management of state aircraft.

(b) To maintain a record of all flights made by state aircraft.

(c) To initiate and maintain a proficiency program for pilot employees.

(d) To establish priorities concerning the use of state aircraft.

(e) To enter into such contracts as may be necessary to carry out the provisions of this Act.

(f) To prepare and maintain a policy manual concerning the general operation of all state aircraft.

(g) To provide at the centralized hangar maintenance, fueling and bookkeeping facilities.

(h) To supervise and approve the purpose of all state aircraft

(i) To reassign state aircraft where needed, that are under control of the Department of Air. The agency to which any aircraft is assigned shall pay for the operating costs of the aircraft.

**Section 8.** (a) There is hereby created a revolving fund in the state treasury designated as the Department of Air Transportation and Service Fund, and the director of the Department of Air is authorized to make expenditures and deposits periodically from such fund as necessary for the operation of this Act.

(b) Within 30 (thirty) days following the effective date of this Act, the following state agencies shall transfer the following funds appropriated from the general fund to the Department of Air Transportation and Service.

(1) The remainder of the funds allocated by legislative mandate from the 1981-1982 general fund budget to operate the Division of Air Transportation, Department of Finance.

(2) Any and all funds allocated by the Legislature from the 1982-1983 general fund budget for the Division of Air Transportation, Department of Finance.

**Section 9.** The Department of Air Transportation and Service shall be subject to regular examinations by the Department of Examiners of Public Accounts.

**Section 10.** The director of the Department of Air shall prepare a complete report of the Department's operations and shall present such report to the Governor by January 15 of each year.

**Section 11.** The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 12.** All laws or parts of laws which conflict with this Act are hereby repealed.

**Section 13.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 22, 1982

Time: 5:00 P.M.

Act No. 82-853

S. 39—Mr. deGraffenried

### AN ACT

To amend § 9-11-257 as last amended, relating to hunting within 100 yards of roads, highways, or railroads without permission from an adjacent landowner, so as to provide that no person, except a duly authorized law enforcement officer acting in the line of duty or person otherwise authorized by law, shall hunt or discharge any firearm from, upon, or across any public road, public highway or railroad, or there rights-of-way, logging railroads excepted; and to provide penalties for the violation thereof.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 9-11-257, Code of Alabama 1975, as last amended, is hereby amended to read as follows:

“§ 9-1-257. Any person, except a duly authorized law enforcement officer acting in the line of duty or person otherwise authorized by law, who hunts or discharges any firearm from, upon, or across any public road, public highway, or railroad, or their rights-of-way, logging railroads excepted, in this state, shall be guilty of a misdemeanor and, upon conviction, shall be punished for the first offense by a fine of not less than \$250.00, and shall be punished for the second and each subsequent offense by a fine of not less than \$500.00 and shall have all hunting license privileges revoked for one (1) year from the date of conviction.”

**Section 2.** The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 3.** All laws or parts or laws which conflict with this Act are hereby expressly repealed.

**Section 4.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved August 22, 1982

Time: 5:00 P.M.

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Act No. 82-854

S. 44—Mr. Weeks

### AN ACT

Relating to Pike County; authorizing the county commission to employ a deputy tax assessor, a deputy tax collector, a deputy circuit clerk, clerical assistance for certain county officers; repealing Act No. 201, H. 872, Regular Session 1971 (Acts 1971, p. 494), and Act No. 732, H. 1281, Regular Session 1976 (Acts 1976, p. 1013); and providing for its retroactive effect.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** In Pike County, the county commission is hereby authorized to employ a deputy tax assessor, a deputy tax collector and a deputy clerk of the circuit court. Said employees shall serve at the pleasure of the county commission and the compensation of said employees shall be set by the county commission.

**Section 2.** The county commission is hereby authorized to employ clerks to assist the tax assessor, the tax collector and the probate judge in the performance of their official duties. The number of said clerks shall be established by the county commission. Said clerks shall serve at the pleasure of the county commission and the compensation of said clerks shall be set by the county commission.

**Section 3.** The county commission is also hereby authorized to hire such additional part-time employees for any county department as the commission deems necessary. Such part-time employees shall serve at the pleasure of the county commission and compensation of said part-time employees shall be set by the county commission.

**Section 4.** The compensation of all employees authorized to be hired under the provisions of this Act shall be payable in equal monthly installments from the county general fund or from any funds available for use by the county.

**Section 5.** All laws or parts of laws which conflict with this Act are hereby repealed and specifically Act No. 201, H. 872, Regular Session 1971 (Acts 1971, p. 494), and Act No. 732, H. 1281, Regular Session 1976 (Acts 1976, p. 1013), are hereby repealed.

**Section 6.** The operation of this Act shall be retroactive to August 24, 1976, and all actions taken and payments made pursuant thereto on and after that date are ratified and confirmed.

Approved August 22, 1982

Time: 5:00 P.M.

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Act No. 82-855

S. 45—Mr. Weeks

### AN ACT

To authorize the Barbour County Commission to compensate the Chief Clerk to work in the office of the Probate Judge.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The County Commission of Barbour County is authorized to employ a chief clerk to work in the office of the Probate Judge and such employee shall be selected by the Probate Judge and paid out of the General Fund of the county. The salary shall be set by the Barbour County Commission up to \$8,400.00 annually.

**Section 2.** All laws or parts of laws which conflict with this Act are repealed.



**Section 3.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon otherwise becoming a law.

Approved August 22, 1982

Time: 5:00 P.M.

Act No. 82-856

S. 46—Mr. Gulledge

### AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the Town of Gulf Shores in Baldwin County.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The boundary lines and corporate limits of the Town of Gulf Shores in Baldwin County are hereby altered, rearranged and extended so as to include within the corporate limits of said town, in addition to the lands now included, all of the following territory, to-wit:

**PARCEL "A":** Commence at the Southeast corner of Lot 1, Block "F" of Baldwin Beach Properties as recorded in Map Book 4, Page 230 of the Baldwin County Probate records for the Point of Beginning; run thence North 82 degrees 17' 30" East along the North right of way of West Gulf Shores Boulevard along a curve to the left for a chord distance of 51.53 feet; run thence North for 464 feet, more or less, to the South Margin of Little Lagoon; run thence in a West-erly direction along said margin of Little Lagoon to a point that is North 00 degrees 14' 30" East and 471 feet, more or less, from the Point of Beginning; run thence South 00 degrees 14' 30" West for 471 feet, more or less, to the Point of Beginning, said land being in Section 27, Township 9 South, Range 3 East, Baldwin County, Alabama.

**Section 2.** The provisions of this act shall be construed in pari materia with all other acts relating to boundaries of the Town of Gulf Shores, Baldwin County, Alabama; provided, however, all laws or parts of laws which are in direct conflict with this act are hereby repealed.

**Section 3.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 22, 1982

Time: 5:00 P.M.

Act No. 82-857

S. 47—Messrs. Harrison, Kirkland  
Teague (B), Robertson, Cook,  
Callahan and Vacca

### AN ACT

To amend Section 41-16-55, Code of Alabama 1975, so as to provide that a person who intentionally and knowingly participates in an agreement to bid at a certain price or to refrain from bidding on bids of over \$2,000, is guilty of a Class C felony and other violations of this section involving bids of \$2,000 or under shall be punished as a Class A misdemeanor.

#### *Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 41-16-55 of the Code of Alabama 1975, is hereby amended as follows:

Section 41-16-55. Any agreement or collusion among bidders or prospective bidders in restraint of freedom of competition, by agreement to bid at a fixed price or to refrain from bidding or otherwise shall render the bids of such void and shall cause such bidders to be disqualified from submitting further bids to the awarding authority on future purchases.

“Whoever knowingly participates in a collusive agreement in violation of this section involving a bid or bids of \$2,000 and under shall be guilty of a Class A misdemeanor and, upon conviction, shall be punished as prescribed by law.

“Whoever knowingly and intentionally participates in a collusive agreement in violation of this section involving a bid or bids of over two thousand (\$2,000) dollars shall be guilty of a Class C felony, and upon conviction shall be punished as prescribed by law.

**Section 2.** The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 3.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 22, 1982

Time: 5:00 P.M.

Act No. 82-858

S. 53—Messrs. Cook, Kirkland,  
Teague (B), Harrison and  
Callahan

## AN ACT

To amend Section 15-18-8, Code of Alabama 1975, which imposes a minimum term of confinement upon conviction of a sentence of 10 years or less, so as to increase said minimum term.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 15-18-8, Code of Alabama 1975, is hereby amended to read as follows:

“§ 15-18-8.

“(a) When a defendant is convicted of an offense and receives a sentence of 10 years or less in any court having jurisdiction to try offenses against the state of Alabama and the judge presiding over the case is satisfied that the ends of justice and the best interests of the public as well as the defendant will be served thereby, he may order that the convicted defendant be confined in a prison, jail-type institution or treatment institution for a period not exceeding five years and that the execution of the remainder of the sentence be suspended and the defendant be placed on probation for such period and upon such terms as the court deems best.

“(b) Probation may be granted whether the offense is punishable by fine or imprisonment or both. If an offense is punishable by both fine and imprisonment, the court may impose a fine and place the defendant on probation as to imprisonment. Probation may be limited to one or more counts or indictments, but, in the absence of express limitation, shall extend to the entire sentence and judgment.

“(c) The court may revoke or modify any condition of probation or may change the period of probation.

“(d) While on probation and among the conditions thereof, the defendant may be required:

“(1) To pay a fine in one or several sums;

“(2) To make restitution or reparation to aggrieved parties for actual damages or loss caused by the offense for which conviction was had; and

“(3) To provide for the support of any persons for whose support he is legally responsible.

“(e) The defendant's liability for any fine or other punishment imposed as to which probation is granted shall be fully discharged by the fulfillment of the terms and conditions of probation.

“(f) During any term of probation, the defendant shall report to the probation authorities at such time and place as directed by the judge imposing sentence.”

**Section 2.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 22, 1982

Time: 5:00 P.M.

Act No. 82-859

S. 54—Mr. Denton

AN ACT

To provide for the crime of prostitution as a Class A misdemeanor.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** (a) Any person who performs, offers or agrees to perform any of the following acts for money commits the crime of prostitution:

- (1) Any act of sexual intercourse; or
- (2) Any act of deviate sexual conduct.
- (b) Prostitution is a Class A misdemeanor.

**Section 2.** All laws or parts of laws which conflict with this act are hereby repealed.

**Section 3.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 22, 1982

Time: 5:00 P.M.

Act No. 82-860

S. 60—Messrs. Kirkland, Teague (B),  
Harrison, Cook and Callahan

AN ACT

To provide for an appeal by the State of Alabama in criminal cases from a pre-trial decision, order, or judgment of the trial court in certain instances and provides a time within which an appeal must be taken.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Appeal by the state.

An appeal may be taken by the state in criminal cases from the circuit court to the court of criminal appeals, from a pre-trial decision, order, or judgment of the trial court:

- (1) suppressing evidence prior to trial
- (2) allowing motion to dismiss an indictment, information, or complaint,
- (3) quashing an arrest or search warrant,
- (4) suppressing a confession or admission, or
- (5) dismissing a complaint or indictment on constitutional grounds or grounds of double jeopardy.

Such an appeal may be taken only if the district attorney certifies to the trial court that the appeal is not taken for the purpose of delay, and either that the evidence is substantial proof of a fact material in the proceeding or that the order or decision jeopardizes the presentation of the state's case.

#### **Section 2. Time for taking an appeal.**

The notice of appeal shall be filed with the clerk of the court to which the appeal is to be taken, and shall be filed within seven (7) days after the decision, order, or judgment has been entered, but in any case before the defendant has been placed in jeopardy under established rules of law.

#### **Section 3. Severability.**

The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

#### **Section 4. Effective date.**

This bill shall become effective immediately upon its passage and approval by the Governor or its otherwise become a law.

Approved August 22, 1982

Time: 5:00 P.M.

To amend Code of Alabama 1975, §§ 13A-12-190 through 13A-12-197, relating to child pornography, in order to further define and prohibit child pornography and to further provide for the trial of cases involving it; to specify the cases these amendments apply to; to provide that the provisions of this act are severable; and to provide an effective date.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Code of Alabama 1975, § 13A-12-190 is hereby amended to read as follows:

“For the purposes of this division, the following terms shall have the meanings respectively ascribed to them by this section:

(1) **DISSEMINATE.** To sell, lend or show for monetary consideration or to offer or agree to do the same.

(2) **DISPLAY PUBLICLY.** The exposing, placing, posting, exhibiting or in any fashion displaying in any location, whether public or private, an item in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision viewing it from a public thoroughfare, depot or vehicle.

(3) **PUBLIC THOROUGHFARE, DEPOT OR VEHICLE.** Any street, highway, park, depot or transportation platform or other place, whether indoors or out, or any vehicle for public transportation, owned or operated by government, either directly or through a public corporation or authority, or owned or operated by any agency of public transportation that is designed for the use, enjoyment or transportation of the general public.

(4) **KNOWINGLY.** A person knowingly disseminates or publicly displays obscene matter when the person knows the nature of the matter. A person knows the nature of the matter when either of the following circumstances exist:

a. The person is aware of the character and content of the matter; or

b. The person recklessly disregards circumstances suggesting the character and content of the matter.

(5) **SADO-MASOCHISTIC ABUSE.** Such term means either of the following:

a. Flagellation or torture, for the purpose of sexual stimulation, by or upon a person who is nude or clad in undergarments or in a revealing or bizarre costume; or

b. The condition of a person who is nude or clad in undergarments or in a revealing or bizarre costume being fettered, bound or otherwise physically restrained for the purpose of sexual stimulation.

(6) **SEXUAL EXCITEMENT.** The condition of human male or female genitals when in a state of sexual stimulation.

(7) **SEXUAL INTERCOURSE.** Intercourse, real or simulated, whether genital-genital, oral-genital, anal-genital or oral-anal, whether between persons of the same or opposite sex or between a human and an animal.

(8) **MASTURBATION.** Manipulation, by hand or instrument, of the human genitals, whether one's own or another's, for the purpose of sexual stimulation.

(9) **OTHER SEXUAL CONDUCT.** Any touching of the genitals, pubic areas or buttocks of the human male or female, or the breasts of the female, whether alone or between members of the same or opposite sex or between humans and animals in an act of apparent sexual stimulation or gratification.

(10) **BREAST NUDITY.** The lewd showing of the post-pubertal human female breasts below a point immediately above the top of the areola.

(11) **GENITAL NUDITY.** The lewd showing of the genitals or pubic area.

(12) **MATTER.** Any book, magazine, newspaper, or other printed material, or any picture, photograph, motion picture or electrical or electronic reproduction, or any other articles or materials that either are or contain a photographic or other visual reproduction of a live act, performance, or event.

(13) **OBSCENE.** (a) When used to describe any matter that contains a visual reproduction of breast nudity, such term means matter that:

1. Applying contemporary local community standards, on the whole, appeals to the prurient interest; and
2. Is patently offensive; and
3. On the whole, lacks serious literary, artistic, political or scientific value.

(b) When used to describe matter that contains a visual reproduction of an act of sado-masochistic abuse, sexual intercourse, sexual excitement, masturbation, genital nudity, or other sexual conduct, such term means matter containing such a visual reproduction which reproduction itself lacks serious literary, artistic, political or scientific value.

(14) **LOCAL COMMUNITY.** The judicial circuit in which the indictment is brought."

**Section 2.** Code of Alabama 1975, § 13A-12-191 is hereby amended to read as follows:

“Any person who shall knowingly disseminate or display publicly any obscene matter containing a visual reproduction of a person under the age of 17 years engaged in any act of sado-masochistic abuse, sexual intercourse, sexual excitement, masturbation, breast nudity, genital nudity, or other sexual conduct shall be guilty of a Class C felony.”

**Section 3.** Code of Alabama 1975, § 13A-12-192 is hereby amended to read as follows:

“Any person who knowingly possesses with intent to disseminate any obscene matter containing a visual reproduction of a person under the age of 17 years engaged in any act of sado-masochistic abuse, sexual intercourse, sexual excitement, masturbation, breast nudity, genital nudity, or other sexual conduct shall be guilty of a Class C felony. Possession of three or more copies of the same obscene material is prima facie evidence of possession with intent to disseminate the same.”

**Section 4.** Code of Alabama 1975, § 13A-12-193 is hereby amended to read as follows:

“(a) In proving that a person in a visually reproduced matter who is engaged in any obscene act set out in sections 13A-12-191, 13A-12-192, 13A-12-196 and 13A-12-197 is under the age of 17 years, the State is not required to introduce into evidence a birth certificate, produce testimony as to the date of birth of such person, or produce testimony of any person who knows or is acquainted with the person alleged to be under the age of 17 years. If the defendant or the State intends to rely on a birth certificate to prove the date of birth of any person in the visually reproduced matter, such defendant or the State shall file with the clerk of the court in which the action is pending, at least 15 days prior to trial, a notice of an intention to rely on an official, certified copy of a birth certificate together with a copy of the said birth certificate.

(b) A jury, or the court if a jury trial is waived, may infer from the following factors whether or not the person displayed or depicted in any obscene matter is under the age of 17 years:

- (1) The general body growth and bone structure of the person;
- (2) The development of pubic hair or body hair on the person;
- (3) The development of the person's sexual organs;
- (4) The context in which the person is placed by any accompanying printed or text material;



(5) Any expert testimony as to the degree of maturity of the person.

(c) The existence of any or all of the factors listed in subsection (b) of this section shall not operate to change the requirement that before any conviction may be had, the State must convince the fact-finder beyond a reasonable doubt that the person engaged in the act of sado-masochistic abuse, sexual intercourse, sexual excitement, masturbation, breast nudity, genital nudity, or other sexual conduct in the visually reproduced matter is under the age of 17 years."

**Section 5.** Code of Alabama 1975, § 13A-12-194 is hereby amended to read as follows:

"The State shall not be required to establish the identity, either in the indictment or in any subsequent proceeding, of the person alleged to be under the age of 17 years who is engaged in any of the acts described in sections 13A-12-191, 13A-12-192, 13A-12-196 and 13A-12-197, which are visually reproduced."

**Section 6.** Code of Alabama 1975, § 13A-12-195 is hereby amended to read as follows:

"Where the circumstances of the dissemination or public display of matter indicates that it is being commercially exploited by the defendant for its prurient appeal, such evidence may be considered in determining whether the matter appeals to the prurient interest, is patently offensive, or lacks serious literary, artistic, political or scientific value."

**Section 7.** Code of Alabama 1975, § 13A-12-196 is hereby amended to read as follows:

"Any parent or guardian who knowingly permits or allows their child, ward, or dependent under the age of 17 years to engage in the production of any obscene matter containing a visual reproduction of such child, ward, or dependent under the age of 17 years engaged in any act of sado-masochistic abuse, sexual excitement, masturbation, breast nudity, genital nudity, or other sexual conduct shall be guilty of a Class B felony."

**Section 8.** Code of Alabama 1975, § 13A-12-197 is hereby amended to read as follows:

"Any person who knowingly films, prints, records, photographs or otherwise produces any obscene matter that contains a visual reproduction of a person under the age of 17 years engaged in any act of sado-masochistic abuse, sexual intercourse, sexual excitement, masturbation, breast nudity, genital nudity, or other sexual conduct shall be guilty of a Class A felony."

**Section 9.** The amendments made in this act shall apply to cases in which the offense is committed after the effective date of this act. Cases in which the offense was committed before the effective date of this act shall be governed by the law as it existed before these amendments.

**Section 10.** The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part that remains.

**Section 11.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved August 22, 1982

Time: 5:00 P.M.

Act No. 82-862

S. 68—Messrs. Harrison, Teague (B),  
Kirkland, Cook, Callahan, and  
Vacca

## AN ACT

To amend Section 13A-11-120 of the Code of Alabama, 1975 to change the penalty for commercial bribery from a Class A misdemeanor to a Class C felony.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 13A-11-120 of the Code of Alabama, 1975 is hereby amended to read as follows:

Section 13A-11-120.

“(a) A person commits the crime of commercial bribery if he:

“(1) Confers, or agrees or offers to confer, any benefit upon any employee or agent without the consent of the latter’s employer or principal, with intent to improperly influence his conduct in relation to his employer’s or principal’s affairs; or

“(2) Confers, or agrees or offers to confer, any benefit upon an fiduciary without the consent of the latter’s beneficiary, with intent to improperly influence him to act or conduct himself contrary to his fiduciary obligation.

“(b) Commercial bribery is a Class C felony.

**Section 2.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 22, 1982

Time: 5:00 P.M.

Act No. 82-863

S. 87—Mr. Cook

### AN ACT

Relating to elections; authorizing the use of a greater variety of vote tabulating equipment including electronic vote counting systems; providing for a clearinghouse for information on voting equipment and for the testing and certification of such equipment; creating the Alabama Electronic Voting Committee, its membership, meetings and authority; prescribing certain duties for the Secretary of State; and providing definitions and procedures for implementation of the provisions of the Act.

*Be It Enacted by the Legislature of Alabama:*

#### **Section 1.** Definitions of terms.

For the purposes of this Act, the following terms shall have the meanings respectively ascribed to them by this section:

(a) **Electronic Vote Counting System.** A system in which votes are recorded on a paper ballot or on a ballot card by means of marking or by means of punching, and such votes are subsequently counted and tabulated by automatic tabulating equipment at one or more counting locations.

(b) **Automatic Tabulating Equipment.** Such term shall include any apparatus necessary to examine and count automatically votes designated on ballots, and data processing machines which can be used for counting ballots and tabulating results.

(c) **Ballot.** Such term shall include ballot cards, ballot labels, and paper ballots.

(d) **Ballot Card.** A ballot which is voted by the process of punching or marking.

(e) **Ballot Label.** A card, paper, booklet, or other material which contains the names of the offices and candidates and statements of questions to be voted on.

(f) **Committee.** The Alabama Electronic Voting Committee.

#### **Section 2.** Requirements for Approval.

(a) The governing body of any county or municipality or other political subdivision of the state may, in its discretion, by adoption of an appropriate resolution, authorize, adopt, and direct the use of electronic vote counting systems for use in all elections held in such county or municipality or other political subdivision or any portion thereof; and such resolution, a copy of which shall be filed with the secretary of state, shall specify the particular type of equipment to be used and a procedure for implementation.

(b) Provided, however, that no such electronic vote counting system shall be used unless it has been constructed so that it shall:

(1) Permit and require voting in secrecy.

(2) Permit each elector to vote at any election for all persons and offices for whom and for which he or she is lawfully entitled to vote; to vote for as many persons for an office as he or she is entitled to vote for; and to vote for or against any question upon which he or she is entitled to vote.

(3) Permit the voter at other than primary elections to vote a straight political party ticket in one operation.

(4) Permit such automatic tabulating equipment to be set to reject all votes for any office or question when the number of votes therefor exceeds the number which the voter is entitled to cast or when the voter is not entitled to cast a vote for the office or question.

(5) Be capable of correctly counting votes.

(6) When used in primary elections, the automatic tabulating equipment will count only votes for the candidates of one party, reject all votes for an office when the number of votes therefor exceeds the number which the voter is entitled to cast, and reject all votes of a voter cast for candidates of more than one party.

(7) At presidential elections to permit each elector, by one operation, to vote for all presidential electors of a party or independent candidates for president or vice president.

(8) Provide a method for write-in voting.

(9) Be capable of accumulating a count of the specific number of ballots tallied for a precinct; and accumulating total votes by candidate for each office, and accumulating total votes for and against each question for such precinct.

(10) Be capable of tallying votes from ballots of different political parties from the same precinct, in the case of a primary election.

(11) Be capable of automatically producing precinct vote totals in printed, marked, or punched form, or a combination thereof.

(12) Be capable of accurately and correctly tabulating each vote and to have the same so certified.

**Section 3.** There is hereby created the Alabama Electronic Voting Committee which shall consist of five members. The committee shall consist of Secretary of State, a representative appointed by the Attorney General and one Judge of Probate appointed by the Chief Justice of the Supreme Court who shall serve without pay or reimbursement for expenses. Additionally, one member from the House of Representatives and one member from the Senate, to be appointed by the presiding officer of each house who shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The Judge of Probate shall be chairman. The committee shall meet at the call of the chair or any three members.

**Section 4. Examination and Certification of Equipment.** It shall be the duty of the Committee to ensure the examination, and certification of voting equipment in the following manner:

(a) By publicly examining all makes of electronic or other vote counting systems submitted and certifying whether such systems comply with the requirements of Section 5 of this Act.

(b) By inviting any vendor or company interested in selling electronic or other vote counting system in Alabama to submit such equipment for examination. The vote counting system shall be certified after a satisfactory evaluation and testing has been performed according to electronic industry standards. For the purpose of assisting in examining such system, the committee shall employ not more than three individuals who are expert in one or more fields of data processing, mechanical engineering, and public administration, who may or may not be state employees and shall require from them a written report of their examination. The vendor submitting a system for certification shall pay to the State of Alabama by depositing with the state treasury for distribution to reimburse the committee in an amount equal to the actual costs, if any, incurred in examining the system. Such reimbursement shall be made whether or not the system is certified. No member of the committee nor any examiner shall have any pecuniary interest in any voting equipment.

(c) After certification of any electronic or other vote counting system the secretary of state shall make and maintain a report on

the system, and as soon as practicable shall send a notice of certification and, upon request, a copy of the report to all governing bodies of the counties of the state. Any voting equipment that does not receive certification shall not be adopted or used at any election. After voting equipment has been certified, any change or improvement in the system shall be certified by the secretary of state prior to the adoption of such change or improvement by any county. The secretary of state shall not re-examine or recertify the system in its entirety. However, if any of the changes do not comply, the committee shall suspend all sales of the equipment or system in the state until such equipment or system complies with the requirements of this Act.

#### **Section 5. Voting Equipment Information.**

Examinations shall be conducted and a report of certification or rejection issued within ninety (90) days following request by vendor or company.

#### **Section 6. Procedure for Implementation of this Act.**

(a) So far as practicable, the procedures for voting paper ballots and voting machines as prescribed in Chapters 8 and 9 of Title 17 of the Code of Alabama 1975, shall apply to procedures followed pursuant to this Act.

(b) It shall be the duty of the committee to prescribe other procedures where necessary to achieve and maintain the maximum degree of correctness and impartiality of voting, counting, tabulating, and recording votes, by electronic or other vote counting systems provided by this Act.

#### **Section 7. Instructions to Voters.**

(a) For the instruction of voters on election day, the election officials shall provide at each polling place one instruction model illustrating the manner of voting. Each such instruction model shall show the ballot arrangement of offices, candidates and questions to be voted on. Such model shall be located at a place which voters must pass to reach the official voting booth.

(b) Before entering the voting booth each voter shall be offered instruction in voting by use of the instruction model, and the voter shall be given ample opportunity to operate the model. In instructing voters, no precinct official may show partiality to any political party or candidate.

#### **Section 8. Testing of Equipment.**

(a) Not more than 10 days prior to the election the officials charged with the responsibility of conducting the election shall have

the automatic tabulating equipment tested to ascertain that the equipment will correctly count the votes cast for all offices and on all questions. Public notice of the time and place of the test shall be given at least forty-eight (48) hours prior thereto by written public service announcement notices to newspapers and radio and television stations in the county and by filing such notice with the secretary of state. The election officials shall convene, and each shall certify to the accuracy of the test. The test shall be open to the public.

(b) The test shall be conducted by processing a preaudited group of ballots so punched or marked as to record a predetermined number of valid votes for each candidate and on each question and shall include for each office one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment to reject such votes. If any error is detected, the cause therefor shall be ascertained and corrected and an errorless count shall be made before the automatic tabulating equipment is approved. Such test shall be repeated immediately before the start of the official count of the ballots in the same manner as set forth above. After the completion of the count, the test shall be repeated. The programs and ballots used shall be sealed and retained under the custody of the election officials charged with the responsibility of conducting the election.

**Section 9.** The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 10.** All laws or parts of laws which conflict with this Act are hereby repealed.

**Section 11.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 22, 1982

Time: 5:00 P.M.

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Act No. 82-864

S. 13—Mr. Martin

## AN ACT

To define, regulate and license barbers and barber colleges and other like businesses in Morgan County; to create a barbers' commission for said county; to prescribe the powers and duties of said commission and to provide a penalty for violation of the provisions hereof.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** After this act takes effect, it shall be unlawful for any person, partnership, association or corporation to act as a barber, operate a barber college, barber shop or other like business, or to instruct in a barber college, or to advertise or assume to act as such without a license issued by the barbers' commission of Morgan County. No partnership, association or corporation shall be granted a license, unless every member or officer of said partnership, association or corporation, who actively engages in the barber business, barber college or like business of such partnership, association or corporation, shall hold a license as a barber as hereinafter provided for.

No operator or proprietor of a barber shop or barber college as defined herein shall employ any person, no matter how such employee may be compensated, who actively engages in the barber business, or as an instructor unless such employee has been duly licensed as required in Sections 4 or 5 of this act.

**Section 2.** A barber, barber shop, barber college or other like business within the meaning of this act is any person, firm, partnership, association or corporation, who, for a valuable consideration or hire, shaves or trims the beard; gives facial or scalp massages, or treats the same with oils or other preparations; sings, shampoos, cuts or dyes the hair of a human being; or applies hair tonic or other cosmetic preparations, clays, or lotions to the scalp, neck or face; or engages in the teaching of any person or persons in the art of barbering as in this paragraph defined. Provided, however, the provisions of this act shall not apply to (1) persons engaged in the practice of medicine, surgery or beauty culture, (2) persons actively engaged in the military service of the United States while acting in line of duty, (3) registered nurses in the course of their employment as such, (4) persons who render any of said services to members of their immediate families, or other persons who receive such services without charge therefor.

**Section 3.** There is hereby created a barbers' commission for Morgan County, state of Alabama. The governor shall appoint three persons, each of whom immediately prior to the date of his appointment has been a resident of Morgan County, state of Alabama, for three years and who has had at least five years' experience as a barber, one member to be appointed for a term of one year, one member to be appointed for a term of two years, and one member to be appointed for a term of three years, and thereafter the term of any member appointed and qualified to succeed the members of the barbers' commission for Morgan County first appointed shall be for three years and until their successors are appointed and qualified. Members to fill vacancies shall be appointed and vacancies caused by the expiration of the term of any person appointed shall be selected in the



manner following: The commission shall, sixty days prior to the expiration of the term of any commissioner or the chairman of the barbers' commission for Morgan County, give notice in writing to the licensed barbers of Morgan County that such vacancy will be created on the date of the expiration of the term of the commissioner whose term is about to expire; or if a vacancy be caused for any reason other than the expiration of the term, the barbers' commission for Morgan County shall within thirty days after such vacancy is created give notice to the licensed barbers of Morgan County of such vacancy, calling upon the said barbers to suggest to the barbers' commission for Morgan County the names of three barbers to fill the vacancy or vacancies thus occasioned; to that end a ballot shall be prepared and enclosed in the letter notifying the barbers of the vacancy or vacancies thus created, the said ballot reading: "I hereby nominate for appointment by the governor of the state of Alabama to the barbers' commission for Morgan County, Alabama, one of the following named three persons: \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_." The ballots shall be numbered and identified in such manner as to prevent anyone employing any ballot other than that forwarded the licensed barber entitled to vote and in addition to the ballot the barbers' commission for Morgan County shall forward the licensed barber an envelope addressed to the barbers' commission for Morgan County and properly stamped with postage of the United States government. When the ballots are returned to the barbers' commission for Morgan County, they shall be opened on a day designated in the notification forwarded the duly licensed barbers of Morgan County in the presence of the commissioners of the barbers' commission for Morgan County then serving, and the ballots shall be counted, and the names of the three barbers who shall receive the greatest number of votes shall be selected as the three nominees of the barbers' commission for Morgan County and the barbers' commission for Morgan County shall then certify to the governor of the state of Alabama the names of the three barbers receiving the highest number of votes, and the governor shall appoint one of the three persons thus designated to fill the vacancy created. If more than one vacancy exists at any time, there shall be nominated in the manner hereinabove designated and certified to the governor three nominees for each such vacancy so that if there be one vacancy there shall be three nominees, if there be two vacancies there shall be six nominees, and if there be three vacancies there shall be nine nominees certified to the governor of Alabama, who shall select for appointment one nominee from each group thus nominated. The commission immediately upon the qualification of the member appointed each year shall organize by selecting from its members a chairman, and may do all things necessary or convenient for carrying into effect the provisions

of this act. Each member of the commission shall receive as full compensation for each day actually spent in the work of said commission the sum of ten dollars per day and his actual and necessary expenses thereby incurred. The commission shall appoint and at its pleasure discharge, a secretary and a treasurer and such assistants as may be deemed necessary to discharge the duties imposed by the provisions of this act. The treasurer so appointed shall be required to enter into a bond to be approved by the commission in the sum of not less than one thousand dollars (\$1,000.00) conditioned to pay any shortage or loss of funds on hand by said treasurer during his term of office or at the time that he is holding office. Said commission shall outline the duties and fix the compensation of the treasurer. The commission shall obtain such office space, furnishings, and other proper conveniences as shall be reasonably necessary for carrying out of the provisions of this act. The principal office of said commission shall be located in the city of Decatur. The commission shall adopt a seal with such design as it may prescribe, engraved thereon, by which it shall authenticate its proceedings. The commission shall make appropriate rules and regulations for the administration of the office of the commission and for the purpose of carrying out the provisions of this act. In addition thereto, the commission is empowered to make reasonable inspection of the barbers and barber shops of Morgan County to the end that they observe proper methods of sanitation and sterilization in and about the conduct of their business. Copies of all records and papers in the office of the commission duly certified and authenticated by its seal shall be received in evidence in all courts with like effect as the original. All records kept in the office of the commission under authority of this act shall be open to public inspection under such rules and regulations as shall be prescribed by the commission. All fees and charges collected by the commission under the provisions of this act, shall be paid into the treasury of the commission; said funds shall be used and kept exclusively in the hands of the treasurer of this commission, and shall be used under the direction of the commission, not inconsistent with this act. Funds may be disbursed by an order of the commission on a check being drawn by the treasurer against such funds, as may be on hand, and approved by the chairman of the board for the purpose of paying all expenses incurred by the commission, including the compensation of members and their employees and their assistants and the treasurer, provided the total expenses for every purpose incurred shall not exceed the total fees and charges collected and paid into the treasury of this commission, and all monies remaining in said separate fund at the end of the fiscal year not expended as herein provided, shall become a part of the funds of said commission and shall be retained by the said commission and may be deposited in any bank or savings account or otherwise.

#### **Section 4.**

A. A barber's college or school, before it shall be issued a license by the barbers' commission, must comply with the requirements and standards as follows:

(a) Require as a prerequisite to admission, a diploma or other proof of graduation from a grammar school, or satisfactory completion of an examination devised or approved by the commission, showing knowledge equal to such education.

(b) Require as a prerequisite to graduation, satisfactory completion of a course of instruction of not less than one thousand (1,000) hours, to be completed over a period of not less than nine months of continuous instruction of not more than eight hours in any one day.

(c) Such course of instruction shall include the following, or like and equal, subjects: scientific fundamentals of barbering; hygienic bacteriology; histology of the hair, skin, muscles, and nerves; structure of the head, face, and neck; elementary chemistry relating to sterilization and antiseptics; diseases of the skin and hair; massaging and manipulating the muscles of the scalp, face, and neck; and hair-cutting, shaving, and bleaching and dyeing of the hair.

B. In order to receive a license as an instructor in a barber college or school licensed under this act, an applicant must meet the following requirements:

(a) He must be a high school graduate.

(b) He must furnish suitable evidence that he has either: (i) been actively engaged as a licensed barber for seven (7) years immediately preceding the filing of the application, or, (ii) been actively engaged as a licensed barber for three (3) years immediately preceding the filing of the application and be a graduate of a barber college or school licensed, conducted or accredited by the state of Alabama or some agency or political subdivision thereof.

(c) An instructor's license can be renewed for no more than three (3) years unless the applicant furnish satisfactory proof to the commission that he has received credit for a minimum of 8 hours instruction in the field of education from an accredited college or university.

C. In order to receive a license as an apprentice barber, an applicant must meet the following requirements:

(a) He must have graduated from a barber's school or college that is approved by the commission.

(b) Be seventeen (17) years of age, or older.

(c) Be of good moral character and temperate habits.

(d) Pass an examination conducted by the commission to determine his fitness to practice as an apprentice barber.

(e) Meet all the other requirements of this act as it applies to apprentice barbers.

D. In order to receive a license as a barber, an applicant must meet the following requirements:

(a) He must be a licensed apprentice barber and have practiced as such under the immediate personal supervision of a licensed barber for a period of not less than twelve months.

(b) Be eighteen (18) years of age, or older.

(c) Be of good moral character and temperate habits.

(d) Pass an examination conducted by the commission to determine his fitness to practice barbering, such examination to include factors to determine the applicant's general educational level as well as his knowledge and skill of barbering. The examination shall be conducted with a view of determining whether the applicant has general knowledge equal to an elementary school education or its equivalent, whether he has a thorough knowledge of the subjects required to be taught in barber's school or college, and in examining him as to his knowledge of barbering he shall be taken to a barber's chair in a barber shop where barbers licensed under this act are practicing barbering and given an examination that will determine his skill as a barber, by requiring him to perform any act or acts of barbering and to name any of the instruments and their parts which are used in a barber shop.

(e) Meet all other requirements of this act as it applies to a barber.

E. A barber's license shall be issued without examination by the commission to any person who, for two years immediately preceding the effective date of this act, has been continuously engaged in the practice of barbering at one or more established places of business in Morgan County, provided he shall make application before the expiration of three years after the effective date of this act, which application shall be accompanied by the recommendations of at least two licensed barbers doing business in Morgan County, not related to the applicant by blood or marriage, certifying that the applicant is of good reputation and qualified to practice barbering.

F. A licensed apprentice barber shall not independently practice

barbering, but may do any and all acts constituting the practice of barbering under the immediate personal supervision of a licensed barber.

**Section 5.** Words used in the masculine gender in this act include the feminine gender.

Nonparticipating barbering employees shall not be required to be licensed under the provisions of this act; provided, however, that such employees shall be required to have valid health permits.

Every applicant for a barber's license, apprentice barber's license, or for a license to operate a barber shop, barber college or other like business or for a license as an instructor in a barber college shall apply therefor in writing on blanks prepared and furnished by the commission. Such application shall be accompanied by the recommendation of at least two licensed barbers doing business in Morgan County, not related to the applicant by blood or marriage, certifying that the applicant is of good reputation, is qualified to practice the trade of barbering, and recommending that a license be granted him. The application shall be accompanied by a doctor's certificate certifying that the applicant has no communicable, contagious, or infectious disease. An applicant for any license provided for under this act who is refused such license shall be so notified in writing, along with the reason or reasons therefor, such notice to be personally delivered to the applicant or sent to his last known address by registered mail.

An applicant for a license who fails to satisfactorily complete an examination conducted by the commission may apply for reexamination at any future meeting of the commission.

When an applicant shall pass the examination where required, and meet the other requirements provided for in this act, the commission shall issue a license, the form and contents to be prescribed by the commission, showing the seal of the commission and the signatures of the commissioners. This license shall be publicly displayed in the place of business where the licensee works or operates. The commission shall also issue to each licensee a pocket card on which shall be imprinted the seal of the commission and certifying that the person whose name appears thereon is a licensed barber, apprentice barber, or operator of one of the businesses named herein.

The original and annual renewal fee for each apprentice barber's, barber's and barber instructor's license shall be twenty dollars (\$20.00). The original and any subsequent examination fee for apprentice barber or barber or barber instructor shall be thirty dollars (\$30.00). The original and annual renewal fee for operating a barber college or school shall be one thousand dollars (\$1,000.00).

Any licensed barber who reaches the age of 65 years shall be exempt from the renewal fee of twenty dollars (\$20.00) for the year in which he attains age 65, and for each year thereafter, provided he has been a duly licensed barber for the next five years preceding the year he attains age 65. Application for this exemption must be made to the barber's commission of Morgan County, who shall determine the applicant's eligibility for such exemption.

Any licensed barber or apprentice barber who retires from the practice of barbering and fails to keep his license renewed, may, for a period of two years after the expiration date of his last license, renew his license upon payment of a restoration fee of ten dollars (\$10.00) in addition to the license fee, and by furnishing the proper health certificate and meeting the other requirements of this act; provided, that he need not take another examination unless more than two years has elapsed.

Every license shall expire on the thirty-first day of December of each year. A licensee whose license has expired, may, within thirty (30) days thereafter, have his license renewed upon making a satisfactory showing to the commission, supported by his personal affidavit, which, in the opinion of the commission will excuse the applicant for having failed to renew his license within the time required by this act. A penalty of 25% of the annual license fee will be added to the fee charged any person who renews his license after January 31st of each year.

The commission shall issue a new license to each applicant for the ensuing year, in the absence of any reason or condition that might warrant the refusal of granting the license, upon the receipt of the written request of the applicant, accompanied by the annual fee therefor and the proper physician's certificate.

The commission may upon its own motion, and shall upon the written complaint of any three persons making out a prima facie case, investigate the actions of any licensee, and shall have the power to suspend or revoke any license issued under the provisions of this act where the licensee has fraudulently obtained his license, or where the licensee is guilty of the violation of any state, county, or city statute or ordinance pertaining to barbering or the operation of a business affected hereby, the violation of any provision of this act, or the violation of any rule or regulation established by the commission.

The commission shall, before denying an application for a license, or before suspending or revoking any license, set the matter down for hearing, and at least ten days prior to the date set for the hearing notify the applicant or licensee in writing, which notice shall contain an exact statement of the charges made, and the date and place of

hearing. Such notice shall be personally delivered to the applicant or licensee or by mailing the same by registered mail to the last known address of such applicant or licensee. At all hearings the applicant or licensee shall have the opportunity to be heard in person or by counsel or both and shall have the right of attendance of witnesses in his behalf. In the preparation and conduct of the hearings, the commission shall have the power to require by subpoena the appearance and testimony of witnesses and the production of papers, and any member of the commission may issue subpoenas, administer oaths, and examine witnesses. The fees and mileage shall be the same as prescribed by law in judicial procedure in the courts of the state in civil cases. In case of disobedience to a subpoena, any member of the commission may invoke the aid of any court of competent jurisdiction in requiring the attendance and testimony of witnesses and the production of papers, and such court may issue an order requiring the persons to appear before the commission, and give evidence or produce papers, as the case may be, and any failure to obey such order of the court may be punished by the court as a contempt thereof. Any person so refusing to appear and give testimony required by such commission shall be guilty of a misdemeanor, and upon conviction thereof by a court of competent jurisdiction, shall be punished as provided by law. If the commission shall determine that any applicant is not qualified to receive a license, or that any licensee is guilty of a violation of any of the provisions of this act, a license shall not be granted, or the same shall be revoked as the case may require. Upon request of the applicant or licensee in writing, the commission shall furnish said party with a definite statement of its findings of facts and its reason or reasons for refusing to grant the license or for its suspension or revocation of same. The findings of the commission may be appealed to the circuit court of Morgan County, provided an appeal is taken within ten days after such final determination of the commission. Any person desiring to appeal under this section shall file with the commission or some member thereof, a notice in writing that he appeals to the circuit court with at least one solvent surety payable to the county of Morgan, conditioned to prosecute such appeal to effect, and upon failure to do so, to pay all costs and damages which may be taxed against him by the circuit court of Morgan County, and any cause so appealed shall be tried de novo in said circuit court. In any of the aforesaid commission hearings or court cases, the commission shall be represented by the county or circuit solicitor.

The commission shall at least every three months hold an examination for the purpose of determining the qualifications of any applicants to become barbers or apprentice barbers, and shall conduct said examination in accordance with the provisions hereof and in accordance with the rules and regulations promulgated by said commission

not inconsistent with this act. Said examination to be conducted in the city, town, or village where the principal office of the commission is located.

**Section 6.** Any person violating the provisions of this act shall upon conviction be guilty of a Class B misdemeanor. This provision shall have application to any officer or agent of a corporation, partnership or association operated in violation of this act. Any court of competent jurisdiction in said county shall have full power to try any violation of this act, and upon conviction the court may at its discretion revoke the license of the person, partnership, association or corporation violating the terms hereof. Before the commissioners herein provided for shall receive a commission and enter upon the discharge of their duties, each shall take and subscribe to the oath provided by law to be taken by elective officers of the state of Alabama.

**Section 7.** The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 8.** All laws or parts of laws which conflict with this act are hereby repealed.

**Section 9.** Nothing contained in this act shall affect the power of the state, county or municipality to tax, license and regulate persons, partnerships, associations or corporations, operating barber shops, barber colleges, or other like businesses. The requirements hereof shall be in addition to the requirement of any existing or future law or ordinance of any state, county or municipality so taxing, licensing or regulating persons, partnerships, associations or corporations operating barber shops, barber colleges or other like businesses.

**Section 10.** This act shall become effective October 1, 1982.

Approved August 22, 1982

Time: 5:00 P.M.

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Act No. 82-865

S. 14—Mr. Callahan

### AN ACT

To exempt from ad valorem taxes all property owned and used by the Mobile Area Chamber of Commerce Foundation, Inc.

*Be It Enacted by the Legislature of Alabama:*



**Section 1.** All property owned by the Mobile Area Chamber of Commerce Foundation, Inc., and used by said organization is hereby exempted from ad valorem taxation.

**Section 2.** This Act is hereby declared to be severable. Should any section or provision thereof be invalid or unenforceable by a court of competent jurisdiction, said holding shall not invalidate or render unenforceable the remaining provisions or sections, thereof.

**Section 3.** All laws or parts of law, local, special or general, in conflict with the provisions of this Act are hereby repealed.

**Section 4.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 22, 1982

Time: 5:00 P.M.

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Act No. 82-866

S. 19—Mr. Mitchem

### AN ACT

To create and establish a state land resources information center within the Lands Division of the Department of Conservation and Natural Resources; to prescribe certain data and information to be compiled by such center; to provide for the administration of such center; to provide for the recording of conveyances relating to land purchased or sold by the State of Alabama or any of its agencies; to provide for certified copies of such conveyances to be made and transmitted to the Lands Division of the Department of Conservation and Natural Resources; to appropriate funds from the Lands Management Fund to implement the provisions of this Act; and to repeal Act No. 81-562, H. 409, 1981 Regular Session, (Acts 1981, p. 946).

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** There is hereby created and established within the Lands Division of the Department of Conservation and Natural Resources a state land resources center which shall compile certain data and information as hereinafter prescribed on all state owned lands, including those lands owned by state supported educational institutions. Such center shall be under the supervision of the Director of the Lands Division, Department of Conservation and Natural Resources who shall compile and keep up to date the following data and information on such lands:

a. Location — should include postal address and metes and bounds description where both are applicable;

- b. size — acreage and dimensions of lot or parcel;
- c. type of development — agricultural, commercial, governmental institutional, educational, residential, forest lands, mineral lands;
- d. description and general condition of improvement if any — amount of rental income if leased and name and address of lessee;
- e. certified copy of original deed to state of property — along with notation of any changes in status or ownership.

**Section 2.** Not more than ninety (90) days after this bill becomes law, the Lands Division Director shall have sent out to all agencies, departments, and institutions in the State, a survey to determine the data and information prescribed in Section 1. It will be the duty of individual agencies, departments and institutions to accurately comply with this request for information by the Director within ninety (90) days of receipt of such request unless a postponement is requested and granted.

**Section 3.** It shall be the duty of each state department or institution of the State of Alabama which holds or acquires the legal title or any interest in any lands in the State of Alabama and any department charged by law with the administration, control or management of any state department or institutional lands to file or have filed for record in the county wherein such land lies all instruments conveying title to land or any interest therein out of or into the State of Alabama.

**Section 4.** Upon the filing of any instrument described in section three of this Act, it shall be the duty of the Judge of Probate to transmit within ten (10) days a certified copy of the instrument, with recording data shown thereon, to the Lands Division of the Department of Conservation and Natural Resources.

**Section 5.** The Judges of Probate shall be paid the fees now provided for by law by the state agency or institution participating in the transaction.

**Section 6.** In order to comply with the provisions of this bill and to assure accurate information for the Lands Division records, the Department of Conservation shall supply such qualified merit employees as may be necessary, to research within each county the title, deed records and file reports on real property owned by the State or its agencies. All expenses associated with the provisions of this section are to be paid from the monies appropriated to the Lands Division within the Department of Conservation and Natural Resources. The information collected by this research shall be used by the Lands Division to update and correct existing data on file.

**Section 7.** The provisions of this Act shall be supplemental to other laws regulating the recording of conveyances and the making and transmitting of certified copies thereof and shall be construed in pari materia with such laws, but such provisions of these laws as conflict with this Act are hereby repealed. Provided, however, Act No. 81-562, H. 409, 1981 Regular Session, (Acts 1981, p. 946) is specifically repealed.

**Section 8.** There is hereby appropriated from the State Lands Management Fund the amount of \$100,000 to the Lands Division of the Department of Conservation and Natural Resources for the fiscal year ending September 30, 1983 to implement the provisions of this act.

**Section 9.** The provisions of this act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 10.** This Act shall become effective 30 days after its passage and approval of the Governor, or upon its otherwise becoming a law.

Approved August 22, 1982

Time: 5:00 P.M.

Act No. 82-867

S. 64—Messrs. Kirkland, Teague (B),  
Harrison, Cook and Callahan

### AN ACT

To further provide for criminal procedure; to prescribe that the victim in any criminal case will be entitled to be present throughout the trial proceedings; to prescribe the location of such victim; to provide that in criminal homicide cases a designated relative or family member may be in attendance throughout the trial, at the option of the family and to prescribe the location thereof; and to prescribe that any such victim or his designee shall not be subject to any exclusion ruling.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Any law, rule or regulation to the contrary notwithstanding, the victim in any criminal case will be entitled, upon request, to be in attendance. Such victim shall be provided space at the table of the district attorney or any prosecutor representing the State.

**Section 2.** Any law, rule or regulation to the contrary notwithstanding, in any case involving criminal homicide, a designated

relative or family member of the victim, at the option of the family, will be entitled to be in attendance throughout the trial proceedings. Such person shall be provided space at the table of the district attorney or any prosecutor representing the State.

**Section 3.** Any victim or relative or family member of the victim, provided for in Sections 1 and 2 of this Act, shall not be subject to any exclusion ruling.

**Section 4.** The provisions of this act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 5.** All laws or parts of laws which conflict with this Act are hereby repealed.

**Section 6.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 22, 1982

Time: 5:00 P.M.

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Act No. 82-868

S. 73—Mr. St. John

### AN ACT

To amend Sections 41-22-25 and 41-22-27 of the Code of Alabama 1975, to clarify the effective date and publication date of the Administrative Procedure Act.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Sections 41-22-25 and 41-22-27 of the Code of Alabama 1975 as amended, are hereby amended to read as follows:

Section 41-22-25. Construction and applicability of chapter.

(a) This chapter shall be construed broadly to effectuate its purposes. Except as expressly provided otherwise by this chapter or by another statute referring to this chapter by name, the rights created and the requirements imposed by this chapter shall be in addition to those created or imposed by every other statute in existence on the date of the passage of this chapter or thereafter enacted. If any other statute in existence on the date of the passage of this chapter or thereafter enacted diminishes any right conferred upon a person by this chapter or diminishes any requirement imposed upon an agency by this chapter, this chapter shall take precedence unless

the other statute expressly provides that it shall take precedence over all or some specified portion of this named chapter.

(b) Except as to proceedings in process on October 1, 1982, this act shall be construed to apply to all covered agency proceedings and all agency action not expressly exempted by this chapter or by another statute specifically referring to this chapter by name.

Section 41-22-27. Effective date of this chapter; validity, review, etc., of existing rules; disposition of adjudicative proceedings commenced prior to October 1, 1983.

(a) This chapter shall take effect at 12:01 A.M., October 1, 1982; provided, however, that section 41-22-22 shall take effect October 1, 1981. In order that the legislative reference service may appoint and hire an aid to receive the rules and in order to promulgate the Alabama Administrative Code and the Alabama Administrative Monthly as soon as possible, subsections (a) and (b) of section 41-22-6 and subsections (a) through (e) of section 41-22-7 shall also become effective October 1, 1981. It shall be the duty of all agencies in existence on the passage of this chapter and all agencies created thereafter to cooperate with the office of the legislative reference service in compiling the Alabama Administrative Code and the Alabama Administrative Monthly by submitting to the committee all rules now and hereafter in effect, and all proposed rules.

(b) All existing rules shall be indexed by October 1, 1983, and the administrative code of each agency shall be completed and up-to-date at that time and the Alabama Administrative Code shall be completed and up-to-date by January 1, 1984.

(c) Any rule in effect before 12:01 A.M., October 1, 1983, except those adopted following a public hearing that was required by statute, shall forthwith be reviewed by the agency concerned on the written request of a person substantially affected by the rule involved. The agency concerned shall initiate the rule-making procedures provided by this chapter within 90 days after receiving such written request. If the agency concerned fails to initiate the rule-making procedures within 90 days, the operation of the rule shall be suspended. The right of review established by this subsection shall be exercisable no earlier than October 1, 1983.

(d) All rules in effect on September 30, 1983, shall be and become invalid on October 1, 1983 unless:

(1) such rules are properly filed, indexed, and included within the administrative code of the agency in accordance with all the provisions of this act; and

(2) such rules adopted prior to October 1, 1982 were validly adopted under procedures in effect prior to those provided in this act, or were readopted pursuant to the requirements of this act; and

(3) such rules adopted on or subsequent to October 1, 1982 were validly adopted pursuant to the requirements of this chapter.

(e) All contested cases and other adjudicative proceedings conducted pursuant to any provision of the statutes of this state that were begun prior to October 1, 1983, shall be continued to a conclusion, including, judicial review, under the provisions of such statutes, except that contested cases and other adjudicative proceedings that have not progressed to the stage of a hearing may, with the consent of all parties and the agency conducting the proceedings, be conducted in accordance with the provisions of this chapter as nearly as feasible.

## **Section 2. Effective Date.**

This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

## **Section 3. Severability.**

If any provision of this act or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and for this purpose the provisions of this act are severable.

Approved August 22, 1982

Time: 5:00 P.M.

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Act No. 82-869

S. 74—Mr. deGraffenried

## **AN ACT**

To amend Section 13A-7-1, Code of Alabama 1975, which provides for the definitions relating to the crimes of burglary and criminal trespass, so as to provide further for said definitions.

### ***Be It Enacted by the Legislature of Alabama:***

**Section 1.** Section 13A-7-1, Code of Alabama 1975, is hereby amended to read as follows:

“§ 13A-7-1. The following definitions are applicable to this article:

“(1) **PREMISES.** Such term includes any ‘building,’ as herein defined, and any real property.

"(2) **BUILDING.** Any structure which may be entered and utilized by persons for business, public use, lodging or the storage of goods, and such term includes any vehicle, aircraft or watercraft used for the lodging of persons or carrying on business therein and such term includes any railroad box car or other rail equipment or trailer or tractor trailer or combination thereof. Where a building consists of two or more units separately occupied or secure, each shall be deemed both a separate building and a part of the main building.

"(3) **DWELLING.** A building which is used or normally used by a person for sleeping, living or lodging therein.

"(4) **ENTER OR REMAIN UNLAWFULLY.** A person 'enters or remains unlawfully' in or upon premises when he is not licensed, invited or privileged to do so. A person who, regardless of his intent, enters or remains in or upon premises which are at the time open to the public does so with license and privilege unless he defies a lawful order not to enter or remain, personally communicated to him by the owner of such premises or other authorized person. A license or privilege to enter or remain in a building which is partly open to the public is not a license or privilege to enter or remain in that part of the building which is not open to the public. A person who enters or remains upon unimproved and apparently unused land, which is neither fenced nor otherwise enclosed in a manner designed to exclude intruders, does so with license and privileges unless notice against trespass is personally communicated to him by the owner of such land or other authorized person, or unless such notice is given by posting in a conspicuous manner."

**Section 2.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 22, 1982

Time: 5:00 P.M.

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Act No. 82-870

S. 77—Mr. St. John

### AN ACT

To further amend Section 43-5-40 of the Code of Alabama 1975, as amended, which section relates to the wife retaining possession of the dwelling house usually resided in by her husband before his death so as to allow retention of the dwelling house by the surviving spouse until homestead is assigned.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 43-5-40 of the Code of Alabama 1975, as amended, is hereby further amended to read as follows:

“§ 43-5-40. Spouse may retain dwelling, etc., until assignment of homestead.

The spouse may retain possession of the dwelling house where the surviving spouse resided with the decedent, with the offices and buildings appurtenant thereto and the plantation connected therewith until homestead is assigned, free from the payment of rent.

**Section 2.** This Act shall become effective on January 1, 1983.

Approved August 22, 1982

Time: 5:00 P.M.

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Act No. 82-871

H.J.R. 2—Rep. Manley

### HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a committee of three members of the House, to be named by the Speaker of the House, and three members of the Senate, to be named by the Presiding Officer of the Senate, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

Approved August 22, 1982

Time: 5:00 P.M.

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Act No. 82-872

H.J.R. 73—Rep. Cates

### HOUSE JOINT RESOLUTION

NAMING A STREAM IN CRENSHAW COUNTY WHICH MEANDERS THROUGH “POSSUM BRANCH FARMS” IN BRANTLEY, ALABAMA, “POSSUM BRANCH.”

WHEREAS, a certain stream which flows through several farms in the Brantley area of Crenshaw County has become the symbol and name of a small community which calls itself “Possum Branch” although such stream has never been officially named; and

WHEREAS, it may seem trivial, but legislative action officially naming such stream would be most meaningful and gratifying to the people of this community; and



WHEREAS, this stream is located 1 1/2 miles west of Brantley, Alabama, on U.S. Highway 29 about 100 yards east of mile marker 71; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby name the stream in Crenshaw County that meanders through "Possum Branch Farms" in Brantley, Alabama, "Possum Branch."

Approved August 22, 1982

Time: 5:00 P.M.

Act No. 82-873

H.J.R. 75—Reps. Adams (C), Whatley

# HOUSE JOINT RESOLUTION

RECOGNIZING THE CONTRIBUTIONS OF THE LATE REVEREND AUSTIN SUMBRY.

WHEREAS, the Reverend Austin Sumbry of Phenix City, Alabama made many notable contributions to his community; and

WHEREAS, his life reflected many attributes deserving to be emulated by his many followers; and

WHEREAS, his wife, Mrs. Thelma T. Sumbry and his 12 children were fortunate to be a part of his life; and

WHEREAS, Reverend Sumbry organized the Cooperative Aid Society in 1982; and

WHEREAS, he founded the Sumbry Funeral Home in 1936; and

WHEREAS, he founded Rosemont Park in 1955; and

WHEREAS, he was the first Black elected to the first Council-Manager form of government in Phenix City, serving as Council-member of District Three from October, 1977 until October, 1980; and

WHEREAS, Reverend Sumbry was pastor of Sumbry Memorial Baptist Church; and

WHEREAS, he served as President of the Russell County Voters Association; and

WHEREAS, he was Chairman of the Russell County Democratic Conference; and

WHEREAS, he was a member of the Phenix City—Russell County Betterment Association; and

WHEREAS, he was a member of Masonic Lodge #697, Phenix City and Temple Faruah #145, Columbus, Georgia; and

WHEREAS, he was a member of the Board of Directors of the East Mental Health Association;

NOW THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That we hereby express appreciation for the many contributions made by this great man, recognizing that his death on May 27, 1982 was a profound loss to his city, county and state.

BE IT FURTHER RESOLVED, That a copy of this resolution be given to the family of Reverend Austin Sumbry.

Approved August 22, 1982

Time: 5:00 P.M.

Act No. 82-874

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H.J.R. 77— Reps. Kennedy, Clark (W),  
Stewart, Zoghby, McMillan,  
Parker, Turner, Buskey

## HOUSE JOINT RESOLUTION

### MOURNING THE DEATH OF DR. P. W. GOODE.

WHEREAS, this body had grievously noted the death of Dr. P. W. Goode; and

WHEREAS, Dr. Goode, a native Mobilian, served his patients in a dedicated manner as a practicing dentist for many years prior to his retirement; and

WHEREAS, Dr. Goode was a graduate of Talladega College and the University of Pittsburg dental school and served as a former president of local and state dental societies; and

WHEREAS, P. W. Goode was community and civic minded and gave freely of his time to many worthwhile projects and organizations; and

WHEREAS, Dr. Goode was the organizer and past president of the local chapter of Alpha Phi Alpha Fraternity and was bestowed "the Citizen of the Year Award" by Rho Alpha Chapter of Omega Psi Phi Fraternity and was also a member of the Gulf City Lodge 244, Order of Elks and was elected exalted ruler of said fraternal order; and

WHEREAS, P. W. Goode was an avid bridge player, he was founder and former President of the Mobile Chapter of the American Bridge Association and former treasurer of the National American Bridge Association and had earned the ranking of a senior life member; and

WHEREAS, undoubtedly one of Mobile's most outstanding citizens, Dr. P. W. Goode will long be remembered for his contributions to the growth and development of his beloved city and the citizens thereof; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Dr. P. W. Goode, and extend our heartfelt sympathy to his widow, Beatrice Sims Goode, and his three children to whom copies of this resolution shall be sent.

Approved August 22, 1982

Time: 5:00 P.M.

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Act No. 82-875

H.J.R. 79—Rep. Adams (C)

### HOUSE JOINT RESOLUTION

CONGRATULATING AND COMMENDING THE PHENIX CITY DIXIE MAJORS BASEBALL TEAM ON WINNING THE NATIONAL CHAMPIONSHIP IN THE 17-18 YEAR OLD DIVISION.

WHEREAS, every athlete and athletic team covets recognition as a national champion; and

WHEREAS, a national championship in any team sport requires players with mental toughness and discipline as well as physical ability; and

WHEREAS, the Phenix City Dixie Majors Baseball Team recently exuded these attributes and qualities in winning the national championship in the 17-18 year old division in a double elimination tournament in Nocogdoches, Texas; and

WHEREAS, this team was superbly coached throughout this tournament by Dr. Ken Edwards and Bill Landreau; and

WHEREAS, Coaches Edwards and Landreau were blessed with such talented young athletes as Lewis Jones, Bubba Williams, Darrell Duty, Mike Miles, Mark Bankston, Kevin Howard, Lewis Colbert, Joey Williams, Carlton King, Russ Martin and Frankie Holmes; and

WHEREAS, these young men fought, scratched and clawed their way to this national title by defeating teams from South Carolina, North Carolina and Texas, eventually defeating a team from Nocogoches, Texas, twice in succession to become champs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby congratulate and commend the Phenix City Dixie Majors Baseball Team on winning the National Championship in the 17-18 year old division.

RESOLVED FURTHER, That the Clerk of the House of Representatives be instructed to send a copy of this resolution to the coaches and team members named herein.

Approved August 22, 1982

Time: 5:00 P.M.

Act No. 82-876

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H.J.R. 80—Reps. Rains, Adams (C),  
 Adams (H), Albright, Amari,  
 Barton, Bedsole, Bennett, Biddle,  
 Blake, Boles, Bowling, Brakefield,  
 Buskey, Cabaniss, Campbell,  
 Carothers, Carter, Cates,  
 Cheatwood, Clark (G), Clark (W),  
 Cobb, Coburn, Cooley, Cosby,  
 Crow, Daniels, Dial, Dixon,  
 Drinkard, Edwards, Escott, Ford,  
 Gafford, Gilmer, Goodwin, Gregg,  
 Grimsley, Grouby, Hall,  
 Hammett, Harper (O), Harper (T),  
 Harrison, Harvey, Higginbotham,  
 Hines, Holley, Holmes, Horn,  
 Howard, Jackson, Johnson (R.G.),  
 Johnson (Roy), Kelley, Kennedy,  
 Laird, Langford, Letson, Lewis,  
 McCorquodale, McKee,  
 McMillan, Manley, Minus,  
 Mitchell, Moore, Naramore,  
 Nevett, Olive, Owens, Parker,  
 Patton, Payne, Pegues, Penry,  
 Ray, Reed, Riddick, Roberts,  
 Sandusky, Sasser, Seibels,  
 Shavers, Shoemaker, Smith (C),  
 Smith (J), Smith (M), Starkey,

Stewart, Stout, Trammell,  
Tucker, Turner, Turnham,  
Venable, Waggoner, Ward,  
Warren, Whatley, Williams,  
Willis, Wyatt, Zoghby

## HOUSE JOINT RESOLUTION

COMMENDING MRS. ANN STEPHENSON UPON HER  
RETIREMENT FROM SOUTH CENTRAL BELL.

WHEREAS, the Alabama Legislature notes with regret the announced retirement of Mrs. Ann Stephenson as a career employee with South Central Bell; and

WHEREAS, Mrs. Stephenson, who has been associated with the utility for some 30 years, also has served during legislative sessions, since 1963, as an operator at the telephone station in the Capitol Rotunda, a service provided by South Central Bell for more than three decades; and

WHEREAS, it is through this association that members of the Legislature have come to know Mrs. Stephenson both as a friend and as a valued co-worker whom we hold in utmost regard; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mrs. Ann Stephenson for meritorious service as an employee of South Central Bell and most particularly for her outstanding service as a Capitol Rotunda operator for the Legislature.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Mrs. Stephenson in small token of our warm praise and in sincere gratitude for her many courtesies through the years.

Approved August 22, 1982

Time: 5:00 P.M.

Act No. 82-877

H. 46—Reps. Clark (G), Cosby, Bedsole,  
Whatley, Smith (C)

## AN ACT

To amend Section 15-19-7 Code of Alabama, 1975 to provide that the victim of a defendant requesting treatment as a youthful offender, or if the victim is deceased, then the victim's immediate family, shall have the right to be present and heard in all stages of the youthful offender proceedings.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 15-19-7

“(a) No determination made under the provisions of this chapter shall disqualify any youth for public office or public employment, operate as a forfeiture of any right or privilege or make him ineligible to receive any license granted by public authority, and such determination shall not be deemed a conviction of crime; provided, however, that if he is subsequently convicted of crime, the prior adjudication as youthful offender shall be considered.

“(b) The fingerprints and photographs and other records of a person adjudged a youthful offender shall not be open to public inspection; provided, however, that the court may, in its discretion, permit the inspection of papers or records.

“(c) The victim, and or his or her legal guardian, of a defendant requesting treatment as a youthful offender, or if the victim is deceased, then the victim’s immediate family shall have the right to be present and offer testimony or other evidence otherwise admissible under the rules of evidence in all stages of the youthful offender proceedings.

**Section 2.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 22, 1982

Time: 5:00 P.M.

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Act No. 82-878

H. 107—Reps. Smith (J), Bedsole

**AN ACT**

To amend Section 22-50-22, Code of Alabama 1975, which exempts the superintendent of, or a physician of, the mental health board from being a witness in certain cases, so as to permit depositions to be taken by the state of the superintendent or any physician of a state mental health facility or hospital in criminal proceedings, upon proper notice.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 22-50-22, Code of Alabama 1975, is hereby amended to read as follows:

“Section 22-50-22. Neither the superintendent nor a physician of a state mental health facility or hospital shall be compelled to attend as a witness to testify as an expert in any case or on any

question of insanity or psychological medicine in the state; provided, that he shall certify, in writing, within 10 days after service of the summons, that his absence from the facility or hospital, in his best judgment, will interfere with his professional duties and the welfare of the patients under his care. But defendants in criminal cases and the state upon giving reasonable notice consistent with the Alabama Rules of Civil Procedure to the defendant and, in civil cases, either party may take the deposition of the superintendent or of any of the physicians as to all matters involving his or their expert opinion when such testimony is admissible."

**Section 2.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 22, 1982

Time: 5:00 P.M.

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Act No. 82-879

H. 110—Reps. Smith (J), Bennett, Bedsole,  
Clark (G)

### AN ACT

To allow the state of Alabama to have a jury trial in any felony case where that right has been waived by the defendant.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Any law, rule or regulation notwithstanding, the state of Alabama, in its discretion, may have a trial by jury, upon request in any felony case, where the defendant has waived such right.

**Section 2.** The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 3.** All laws or parts of laws which conflict with this act are hereby repealed.

**Section 4.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 22, 1982

Time: 5:00 P.M.

Act No. 82-880

H. 114—Reps. Smith(J), Bennett, Clark(G)

## AN ACT

To amend Section 15-8-3, Code of Alabama 1975, relating to the required contents of indictments so as to further provide therefor.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 15-8-3, Code of Alabama 1975, is hereby amended to read as follows:

“Section 15-8-3. An indictment must contain, in the caption or body thereof, the name of the state, county, court and time when it is preferred and must conclude ‘against the peace and dignity of the people of the state of Alabama.’”

**Section 2.** This act shall become effective January 1, 1983.

Approved August 22, 1982

Time: 5:00 P.M.

Act No. 82-881

H. 140—Reps. Albright, Smith (J)

## AN ACT

Relating to Madison County; providing further for the distribution of beer taxes collected in Madison County, pursuant to Act No. 82-344, H. 165, 1982 Regular Session, so as to allocate an additional sum to be paid into the county general fund for purposes of county government.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Any law to the contrary notwithstanding, in Madison County, of the proceeds of the beer tax collected pursuant to Act No. 82-344, H. 165, 1982 Regular Session, in addition to the one-eighteenth allocated to the county general fund, Four Cents (\$0.04) per case shall be paid into the county general fund for the purposes of county government. The remainder shall be distributed as provided in Act No. 82-344, H. 165, 1982 Regular Session, Section 1(c)(2)xx subparagraphs (A) and (B).

**Section 2.** All laws or parts of laws which conflict with this Act are hereby repealed.

**Section 3.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.



Approved August 22, 1982

Time: 5:00 P.M.

Act No. 82-882

H. 95—Rep. Cooley

# AN ACT

To amend Section 12-15-7 of the Code of Alabama 1975, relating to appointment of juvenile probation officers, so as to provide further for such appointments.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 12-15-7 of the Code of Alabama 1975 is hereby amended to read as follows:

“§ 12-15-7. (a) The court may appoint one or more probation officers, as otherwise authorized by law, certified by the department of youth services, who shall serve at the pleasure of the court. If more than one probation officer is appointed, one may be designated by the court as the chief probation officer or director of probation services, who shall be responsible for the administration of the probation services under the direction of the court.

“(b) For the purpose of carrying out the objectives and purposes of this chapter and subject to the limitations of this chapter or imposed by the court, a probation officer shall:

“(1) Make investigations, reports and recommendations to the juvenile court;

“(2) Receive and examine complaints and allegations of delinquency, in need of supervision or dependency of a child for the purpose of considering the commencement of proceedings under this chapter;

“(3) Refer to the department of pensions and security for investigations, reports and recommendations those complaints and allegations of dependency or other appropriate matters and may refer to the department of pensions and security for investigations, reports and recommendations those complaints on children in need of supervision;

“(4) Supervise and assist a child placed on probation or in his protective supervision or aftercare by order of the court or other authority of law;

“(5) Make appropriate referrals to other private or public agencies of the community if their assistance appears to be needed or desirable;

“(6) Make predisposition studies and submit reports and recommendations to the court as required by this chapter, except as provided in subdivision (3) of this subsection; and

“(7) Perform such other functions as are designated by this chapter or directed by the court.

“(c) For the purposes of this chapter, a probation officer or representative of the department of pensions and security, with the approval of the court, shall have the power to take into custody and place in shelter or detention care a child who is under his supervision as a delinquent, in need of supervision or dependent when the probation officer or representative of the department of pensions and security has reasonable cause to believe that the child has violated the conditions of his probation, aftercare or terms of protective supervision or that he may flee from the jurisdiction of the court. A probation officer does not have the powers of a law enforcement officer with respect to a person who is not on probation or otherwise under his supervision.

“(d) If a probation officer or representative of the department of pensions and security takes a child into custody, he shall proceed as provided for in section 12-15-58.

“(e) Nothing herein shall be construed so as to prohibit any juvenile probation officer from being covered by the provisions of any local act establishing a local merit system or personnel board.”

**Section 2.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 22, 1982

Time: 5:00 P.M.

Act No. 82-883

H. 56—Reps. Patton, Riddick, Bedsole,  
Minus, Olive, Harper (T)

## AN ACT

To amend Section 15-19-1 Code of Alabama, 1975 which relates to crimes committed by a minor, so as to provide that a person charged with the crimes of murder, rape in the first degree, sodomy in the first degree, robbery in the first and second degree, kidnapping in the first and second degree, and trafficking in illegal drugs is not eligible to be tried as a youthful offender.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 15-19-1 of the Code of Alabama 1975, is hereby amended to read as follows:

“Section 15-19-1. (a) A person charged with a crime which was committed in his minority but was not disposed of in juvenile court and which involves moral turpitude or is subject to a sentence of commitment for one year or more shall, and, if charged with a lesser crime may, be investigated and examined by the court to determine whether he should be tried as a youthful offender, provided he consents to such examination and to trial without a jury where trial by jury would otherwise be available to him. If the defendant consents and the court so decides, no further action shall be taken on the indictment or information unless otherwise ordered by the court as provided in subsection (b) of this section.

“(b) After such investigation and examination, the court, in its discretion, may direct that the defendant be arraigned as a youthful offender, and no further action shall be taken on the indictment or information; or the court may decide that the defendant shall not be arraigned as a youthful offender, whereupon the indictment or information shall be deemed filed.

“(c) However, provided further, that a person charged with one of the following crimes is not eligible to be tried as a youthful offender: murder, manslaughter, rape in the first degree, sodomy in the first degree, robbery in the first and second degree, kidnapping in the first and second degree, burglary in the first degree, assault in the first and second degree and trafficking in illegal drugs.”

**Section 2.** The provisions of this act are severable. If any portion of this act shall be declared invalid by any court of competent jurisdiction, such declaration shall not affect the remaining portions of this act.

**Section 3.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 22, 1982

Time: 5:00 P.M.

Act No. 82-884

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S. 7—Messrs. Smith, Holmes, Parsons,  
Little, White and Vacca

AN ACT

To amend Section 32-5A-191, Code of Alabama 1975, which provides for the offense of driving while under the influence of alcohol or controlled substances, so as to increase the penalties upon conviction of the offense; to provide for confiscation and disposal of certain motor vehicles; and to provide for revoked or restricted driving privileges.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 32-5A-191, Code of Alabama 1975, is hereby amended to read as follows:

“§ 32-5A-191. (a) A person shall not drive or be in actual physical control of any vehicle while:

“(1) There is 0.10 percent or more by weight of alcohol in his blood;

“(2) Under the influence of alcohol;

“(3) Under the influence of a controlled substance to a degree which renders him incapable of safely driving; or

“(4) Under the combined influence of alcohol and a controlled substance to a degree which renders him incapable of safely driving.

“(b) The fact that any person charged with violating this section is or has been legally entitled to use alcohol or a controlled substance shall not constitute a defense against any charge of violating this section.

“(c) Upon first conviction, a person violating this section shall be punished by imprisonment in the county or municipal jail for not more than one year, or by fine of not less than \$200.00 nor more than \$1,000.00, or by both such fine and imprisonment. In addition, on a first conviction, the court trying the cause may prohibit the person so convicted from driving a motor vehicle upon the highways of this state for a period of not more than six months. First time offenders convicted of driving while under the influence of alcohol shall also be required to complete a DUI court referral program approved by the state administrative office of courts. Neither reckless driving nor any other traffic infraction is a lesser included offense under a charge of driving while under the influence of alcohol or controlled substances. The court shall provide to the person convicted a written statement outlining the penalty for subsequent convictions. The statement shall be in duplicate, both copies signed by the defendant who shall retain one copy while the court retains the other.

“(d) All fines collected for violation of this section resulting from arrests by state officers shall be paid into the state general fund; all fines so collected for violations resulting from arrests by county or municipal officers shall be disbursed as is otherwise provided for by law.

“(e) For conviction on the second offense there shall be imposed a fine of not less than five hundred dollars (\$500) nor more than two thousand five hundred dollars (\$2,500) and the person or persons shall be confined in the county jail or workhouse for not less than fifteen (15) days nor more than eleven (11) months and twenty-nine (29) days, and the court shall prohibit such convicted person or persons from driving a vehicle in the State of Alabama for a period of time of six (6) months. It shall be served at a time when the person is off from work and will not interfere with his regular employment.

“(f) For the third or subsequent conviction there shall be imposed a fine of not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000) and the person or persons shall be confined in the county jail or workhouse for not less than one hundred twenty (120) days nor more than eleven (11) months and twenty-nine (29) days, and the court shall prohibit such convicted person or persons from driving a vehicle in the State of Alabama for a period of time of not less than two (2) years nor more than (10) years.

“(i) For purposes of this section, a person whose convictions occur more than 5 years apart shall not be considered a multiple offender and the penalties imposed under subsection (f) hereof for multiple offenders shall not apply to such person.

**Section 2.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

**Section 3.** The provisions of this act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part that remains.

Approved August 22, 1982

Time: 5:00 P.M.

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Act No. 82-885

S. 20—Mr. Martin

### AN ACT

To amend section 11-88-6, Code of Alabama 1975, which provides for boards of directors of county and municipal water, sewer and fire protection authorities, so as to provide further for the maximum amounts paid to such board members and chairmen for their meetings.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 11-88-6, Code of Alabama 1975, is hereby amended to read as follows:

"§ 11-88-6. Each authority shall be governed by a board of directors. All powers of the authority shall be exercised by the board or pursuant to its authorization.

"The board shall consist initially of three directors, elected, as soon as may be practicable after the organization of the authority, by the governing body of the determining county for staggered terms as follows: The first term of one director shall begin immediately upon his election and shall end at noon on March 1 of the next succeeding odd-numbered calendar year following his election; the first term of another director shall begin immediately upon his election and shall end at noon on March 1 of the second succeeding odd-numbered calendar year following his election; and the first term of the remaining director shall begin immediately upon his election and shall end at noon on March 1 of the third succeeding odd-numbered calendar year following his election. Thereafter, the term of office of each director shall be six years.

"If any amendment to the certificate of incorporation of the authority, effected pursuant to the provisions of section 11-88-5, shall increase the membership of the board, the board shall thereafter consist of such number of directors, elected by such governing bodies, as may be specified in the said amendment. The terms of office of any new directors added by any such amendment shall be so arranged that, taking into consideration the terms of office of the original three directors, the terms of office approximately one-third of all directors (or as nearly one-third thereof as may be practicable) will end at noon on March 1 in each odd-numbered year following the effective date of the said amendment. The term of office of each new director, added by amendment as aforesaid, shall following the initial term of such new director be for a period of six years. If at any time there should be a vacancy on the board, a successor director to serve for the unexpired term applicable to such vacancy shall be elected by that governing body which elected the director whose unexpired term he is to fill. Each election of a director, whether for a full six year term or to complete an unexpired term, shall be made not earlier than 30 days prior to the date on which such director is to take office as such. No officer of the state or of any county or municipality shall, during his tenure as such officer, be eligible to serve as a director.

"Each director elected by the governing body of any county must be a duly qualified elector of that county and must be a resident of and the owner of real property in that part of the service area of the authority which lies within that county. Directors shall be eligible for reelection. Each director shall be reimbursed for expenses actually incurred by him in and about the performance of his duties. If the certificate of incorporation so provides, each director except the chair-

man of the board shall be compensated in an additional amount not to exceed \$20.00 per meeting attended but not to exceed \$500.00 per year. The chairman shall, if said certificate so provides, be compensated in an amount not to exceed \$30.00 per meeting attended but not to exceed \$750.00. per year.

“Any director of the authority may be impeached and removed from office in the same manner and on the same grounds provided by section 175 of the Constitution of Alabama and the general laws of the state for impeachment and removal of the officers mentioned in section 175.”

**Section 2.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 22, 1982

Time: 5:00 P.M.

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Act No. 82-886

S. 35—Mr. Proctor

### AN ACT

To amend Act No. 82-524 (Regular Session, 1982) to provide that a scholarship recipient shall teach two full years of secondary mathematics, chemistry, physics, biology or general science for every full or partial year the scholarship is received.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 1 of Act No. 82-524 (Regular Session, 1982) is amended as follows:

“Section 1. The State Board of Education shall establish a scholarship program entitled, “Emergency Secondary Education Scholarships.” The scholarship fund shall be limited to \$50,000 annually appropriated from the Alabama Special Educational Trust Fund. The State Board of Education shall be responsible for determining the number of scholarships to be awarded and the amount designated for each scholarship recipient. The amount of each scholarship may vary according to the cost of attendance at various public institutions of higher education in Alabama. The scholarships shall cover the cost of tuition, room, board and books, with a minimum dollar amount approved by the State Superintendent of Education.”

**Section 2.** Section 4 of Act No. 82-524 (Regular Session, 1982) is amended as follows:

"Section 4. Each scholarship recipient must sign a letter of commitment to the state board of education agreeing that upon graduation he or she will teach two full years of secondary mathematics, chemistry, physics, biology, or general science in the public secondary schools of Alabama for every full year or partial year the scholarship is received. The letter of commitment shall be binding upon the recipient. The letter of commitment shall include a penalty clause stating that if the recipient discontinues study in secondary mathematics, physics, chemistry, biology or general science education, or fails to teach the required number of years in the public schools, the recipient must repay to the state within five years the total amount of scholarship funds received plus interest at a rate agreed by the state board of education and the recipient at the time the scholarship was granted. Said letter of commitment shall be considered a legal contract and the state board of education shall pursue necessary legal action to enforce the contract.

In addition, should scholarship recipients who have completed their teacher training with the assistance of the scholarship program and have been awarded a certificate to teach, fail to comply with the conditions of the letter of compliance, the State Superintendent of Education shall be authorized to revoke the teaching certificate of the recipients."

**Section 3.** The provisions of the Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 4.** This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 22, 1982

Time: 5:00 P.M.

Act No. 82-887

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S. 41—Messrs. Harrison, Kirkland,  
Teague (B), Robertson, Cook,  
Callahan and Vacca

## AN ACT

To provide a procedure for hearings by the court prior to release from custody of defendants found to have committed the act while insane, and committed to the custody of the Commissioner of the Alabama State Department of Mental Health or other public facility as the Court may order.



*Be It Enacted by the Legislature of Alabama:*

**Section 1.** When a defendant in a criminal case is committed to the custody of the Commissioner of the Alabama State Department of Mental Health or another public facility as provided in Section 15-16-43, such department or facility may not release such defendant from custody unless authorized to do so by the Court. Upon receipt by the court of notice from or on behalf of the defendant who has been committed or from the individual or institution having custody of such defendant that the defendant is no longer mentally ill or no longer poses a real and present threat of substantial harm to himself or others by being at large, the court shall give notice to the district attorney and the individual or institution having custody of him and, unless an order of release either with or without conditions is stipulated by the parties, shall hold a hearing within thirty (30) days to determine the issue of whether or not the defendant is now mentally ill and no longer poses such threat. The court may not be required to give notice or to hold such hearings for any defendant more frequently than every six months. If such hearing is not held within thirty days of receipt by the court of notice, the defendant shall be released.

**Section 2.** All laws or parts of laws which conflict with this Act are hereby repealed.

**Section 3.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 22, 1982

Time: 5:00 P.M.

Act No. 82-888

S. 56—Messrs. Kirkland, Teague (B),  
Harrison, Cook, Callahan and  
Holmes

### AN ACT

To provide that mental condition, including insanity, shall not be a defense to any criminal charge, except that evidence, including the testimony of experts, is admissible on the issue of state of mind; to provide for the form of verdicts; to provide that notice of a mental condition defense must be pleaded at arraignment; to provide that use of expert witnesses or evidence by the defense shall be conditioned on the defendant's submitting to an examination and testing by experts designated by the prosecution; to provide for the appointment of experts for indigent defendants; to provide that competency to stand trial shall be determined as provided by existing laws; to specify

the offenses to which this Act applies; to repeal Code of Alabama 1975, § 13A-3-1, § 15-16-24 and all other laws in conflict with this Act.

*Be It Enacted by the Legislature of Alabama:*

Mental condition shall not be a defense to any criminal charge, except that evidence, including the testimony of experts, is admissible on the issue of any state of mind which is an element of the offense charged.

**Section 2. Verdicts.**

A verdict upon a plea of not guilty is either guilty, which imports a conviction of the offense charged, or not guilty, which imports an acquittal of the offense charged.

**Section 3. Notice of Defense.**

(a) A defendant who intends to offer evidence to show that his mental condition was such that he could not form the state of mind necessary to commit the offense charged must formally plead his intent to rely on such a defense at the time of arraignment. A defendant who fails to formally plead at arraignment his intent to rely on a mental condition defense shall be barred from relying on such defense at trial.

(b) If a defendant intends to offer expert psychological or psychiatric testimony or evidence to show that he could not have formed the state of mind necessary to commit the offense charged, the admissibility of such testimony or evidence shall be conditioned on the defendant's submitting to an examination and testing by an expert or experts designated by the prosecution, as the Court shall order.

(c) If the defendant is indigent, the court, at the defendant's request and for good cause shown, may order that the defendant be examined and tested at state expense to determine his mental state at the time of the offense.

**Section 4. Competency.**

A defendant's competence to stand trial shall be determined as provided by existing law.

**Section 5. Code Sections Specifically Repealed.**

Code of Alabama 1975, § 13A-3-1, § 15-16-1 and § 15-16-24 are hereby specifically repealed.

**Section 6. Repealer**

All laws or parts of laws which conflict with this Act are hereby repealed.

**Section 7. Applicability.**

This Act shall apply to offenses occurring on or after its effective date.

**Section 8. Effective Date.**

This Act shall become effective one year from the date of its passage and approval by the Governor or from its otherwise becoming law.

Approved August 22, 1982

Time: 5:00 P.M.

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Act No. 82-889

S. 61—Messrs. Kirkland, Teague (B),  
Harrison, Cook and Callahan

**AN ACT**

To amend Section 15-8-3, Code of Alabama 1975, relating to the required contents of indictments so as to further provide therefor.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 15-8-3, Code of Alabama 1975, is hereby amended to read as follows:

“Section 15-8-3. An indictment must contain, in the caption or body thereof, the name of the state, county, court and time when it is preferred and must conclude ‘against the peace and dignity of the people of the state of Alabama’.”

**Section 2.** This act shall become effective January 1, 1983.

Approved August 22, 1982

Time: 5:00 P.M.

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Act No. 82-890

S. 66—Messrs. Kirkland, Teague (B),  
Harrison, Cook, Callahan and  
Holmes

**AN ACT**

To amend Section 15-19-7 Code of Alabama, 1975 to provide that the victim of a defendant requesting treatment as a youthful offender, or if the victim is deceased, then the victim's immediate family, shall have the right to be present and heard in all stages of the youthful offender proceedings.

*Be It Enacted by the Legislature of Alabama:***Section 1.** Section 15-19-7

“(a) No determination made under the provisions of this chapter shall disqualify any youth for public office or public employment, operate as a forfeiture of any right or privilege or make him ineligible to receive any license granted by public authority, and such determination shall not be deemed a conviction of crime; provided, however, that if he is subsequently convicted of crime, the prior adjudication as youthful offender shall be considered.

“(b) The fingerprints and photographs and other records of a person adjudged a youthful offender shall not be open to public inspection; provided, however, that the court may, in its discretion, permit the inspection of papers or records.

“(c) The victim of a defendant requesting treatment as a youthful offender, or if the victim is deceased, then the victim’s immediate family shall have the right to be present and heard in all stages of the youthful offender proceedings.

**Section 2.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 22, 1982

Time: 5:00 P.M.

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Act No. 82-891

S. 71—Mr. Proctor

AN ACT

To amend Section 16-22-3, Code of Alabama 1975, requiring examination for tuberculosis of school personnel by deleting the specific tests and frequency and adding the determination of same to be by rule of state board of health.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 16-22-3, Code of Alabama 1975, is hereby amended so as to read as follows:

“Section 16-22-3. Employment of teachers, janitors, food handlers, bus drivers, aides, and others with tuberculosis.

It shall be unlawful for school authorities to employ teachers, janitors, food handlers bus drivers, and other persons having direct contact with pupils, including aides, who have tuberculosis in an infectious stage. Every board of education shall require an examination

for tuberculosis, of all prospective employees of the board. The types and frequency of tests required in the examination shall be as set out by rule of the state board of health. Such examination shall be made by the several county health departments; or the prospective employee may be examined at his own expense by any duly licensed doctor of medicine of his own choosing. If the result of such examination indicates the presence of tuberculosis in an infectious stage, the person seeking employment shall be deemed temporarily ineligible for appointment and will remain so ineligible until satisfactory proof of noninfectiousness is furnished. The types and frequency of tests required for all other school employees will be as determined by rule of the state board of health."

**Section 2.** All laws and parts of laws in conflict with this Act are hereby repealed.

**Section 3.** The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 4.** This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 22, 1982

Time: 5:00 P.M.

Act No. 82-892

S. 72—Messrs. Kirkland, Teague (B),  
Harrison, Cook, Callahan, Holmes  
and Goodwin

## AN ACT

To define and set the punishment for the crimes of: unlawful distribution of controlled substances in the first, second, and third degree; unlawful possession of a controlled substance in the first, second, and third degree; unlawful possession of marihuana in the first and second degree; unlawful possession of narcotic paraphernalia; to provide for forfeiture and seizures; to amend Code of Alabama 1975, § § 20-2-2, 20-2-32, 20-2-72, 20-2-80 and 20-2-93; to provide for the incorporation of Act No. 82-426, "The Imitation Controlled Substances Act," into this act; to provide for the incorporation of the provisions of this act into Title 13A of the Code of Alabama 1975; to repeal Code of Alabama 1975, § § 20-2-70, 20-2-73, 20-2-75, and any and all other laws or parts of laws that conflict with this act, insofar as conduct occurring after the effective date of this act is concerned; to provide that this act is supplemental to other laws not inconsistent with this act and shall not be deemed to repeal such laws; to specify the conduct to which this act applies; to provide for severability; and, to provide an effective date.

*Be It Enacted by the Legislature of Alabama:*

**Section 1. Unlawful Distribution of Controlled Substances in the First Degree.**

(a) A person commits the crime of unlawful distribution of controlled substances in the first degree if, except as otherwise authorized:

(1) He sells, furnishes, gives away, manufactures, delivers or distributes a controlled substance named or described in Sections 20-2-23(1), 20-2-23(2), or 20-2-25, Code of Alabama 1975; or

(2) He, being nineteen years of age or older, sells, furnishes, gives away, delivers or distributes any controlled substances enumerated in Code of Alabama 1975, Sections 20-2-23, 20-2-25, 20-2-27, 20-2-29, or 20-2-31 to a person who has not attained the age of eighteen.

(b) Unlawful distribution of controlled substances in the first degree is a Class A felony.

**Section 2. Unlawful Distribution of Controlled Substances in the Second Degree.**

(a) A person commits the crime of unlawful distribution of controlled substances in the second degree if, except as otherwise authorized, he sells, furnishes, gives away, manufactures, delivers or distributes a controlled substance named or described in Sections 20-2-23(3), 20-2-27, or 20-2-29, Code of Alabama 1975.

(b) Unlawful distribution of controlled substances in the second degree is a Class B felony.

**Section 3. Unlawful Distribution of Controlled Substances in the Third Degree.**

(a) A person commits the crime of unlawful distribution of controlled substances in the third degree if, except as otherwise authorized, he sells, furnishes, gives away, manufactures, delivers or distributes a controlled substance named or described in Section 20-2-31, Code of Alabama 1975.

(b) Unlawful distribution of controlled substances in the third degree is a Class C felony.

**Section 4. Unlawful Possession of a Controlled Substance in the First Degree.**

(a) A person commits the crime of unlawful possession of a controlled substance in the first degree if:

(1) Except as otherwise authorized, he possesses a controlled substance named or described in Sections 20-2-23(1), 20-2-23(2) or 20-2-25, Code of Alabama 1975; or

(2) He obtains by fraud, deceit, misrepresentation or subterfuge or by the alteration of a prescription or written order or by the concealment of a material fact or by the use of a false name or giving a false address a controlled substance named or described in Sections 20-2-23(1), 20-2-23(2), or 20-2-25, Code of Alabama 1975.

(b) Unlawful possession of a controlled substance in the first degree is a Class B felony.

**Section 5.** Unlawful Possession of a Controlled Substance in the Second Degree.

(a) A person commits the crime of unlawful possession of a controlled substance in the second degree if:

(1) Except as otherwise authorized, and except as otherwise provided in the provisions entitled Possession of Marihuana in the First Degree and Possession of Marihuana in the Second Degree, he possesses a controlled substance named or described in Sections 20-2-23(3), 20-2-27, 20-2-29, or 20-2-31, Code of Alabama 1975; or

(2) He obtains by fraud, deceit, misrepresentation or subterfuge or by the alteration of a prescription or written order or by the concealment of a material fact or by the use of a false name or giving a false address a controlled substance named or described in Sections 20-2-23(3), 20-2-27 or 20-2-29 or 20-2-31, Code of Alabama 1975.

(b) Unlawful possession of a controlled substance in the second degree is a Class C felony.

**Section 6.** Unlawful Possession of Marihuana in the First Degree.

(a) A person commits the crime of unlawful possession of marihuana in the first degree if, except as otherwise authorized:

(1) He possesses marihuana; or

(2) He possesses marihuana for his personal use only after having been previously convicted of unlawful possession of marihuana in the second degree or unlawful possession of marihuana for his personal use only.

(b) Unlawful possession of marihuana in the first degree is a Class C felony.

**Section 7.** Unlawful Possession of Marihuana in the Second Degree.

(a) A person commits the crime of unlawful possession of marihuana in the second degree if, except as otherwise authorized, he possesses marihuana for his personal use only.

(b) Unlawful possession of marihuana in the second degree is a Class A misdemeanor.

**Section 8. Unlawful Possession of Narcotic Paraphernalia.**

(a) "Drug related object" means any instrument, device, or object which is designed, produced or marketed as useful primarily for one or more of the following purposes:

(1) To inject, ingest, inhale, or otherwise introduce into the human body marihuana or any other controlled substance;

(2) To enhance the effect on the human body of marihuana or any other controlled substance;

(3) To test the strength, effectiveness, or purity of marihuana or any other controlled substance;

(4) To process or prepare for introduction into the human body marihuana or any other controlled substance;

(5) To conceal any quantity of marihuana or any other controlled substance;

(6) To contain or hold marihuana or any other controlled substance while it is being introduced into the human body.

(b) It shall be unlawful for any person or corporation, knowing the drug related nature of the object, to sell, lend, rent, lease, give, exchange, or otherwise distribute to any person any drug related object. It shall also be unlawful for any person or corporation, knowing the drug related nature of the object, to display for sale, or possess with the intent to distribute, any drug related object. Unless stated within the body of the advertisement or notice that the object that is advertised or about which information is disseminated is not available for distribution of any sort in Alabama, it shall be unlawful for any person or corporation, knowing the drug related nature of the object, to distribute or disseminate in any manner to any person any advertisement of any kind or notice of any kind which gives information, directly or indirectly, on where, or how, or from whom, or by what means any drug related object may be obtained or made. "Knowing" as used herein means either actual or constructive knowledge of the drug related nature of the object, and a person or corporation has constructive knowledge of the drug related nature of the object if he or it has knowledge of facts which would put a reasonable and prudent person on notice of the drug related nature of the object.

(c) It shall be unlawful for any person or corporation, other than a licensed pharmacist or practitioner licensed to dispense legal drugs, to sell, lend, rent, lease, give, exchange, or otherwise distribute to any person a hypodermic syringe or needle designed or marketed primarily



for human use. It shall be an affirmative defense that the hypodermic syringe or needle was marketed for a legitimate medical purpose.

(d) It shall be an affirmative defense that the person to whom the drug related object or advertisement or notice was distributed had a prescription from a licensed medical practitioner or psychiatrist for marihuana or the controlled substance for which the object is primarily intended to be used. It is also an affirmative defense that the drug related object was designed or marketed as useful primarily for veterinary or agricultural purposes.

(e) For a first offense, any person or corporation which shall violate any provision of this section shall be guilty of a Class A misdemeanor. For a second offense, the defendant shall be guilty of a Class C felony.

(f) All instruments, devices, and objects which are distributed or possessed in violation of this section are hereby declared to be contraband and subject to forfeiture as provided for in section 20-2-93.

#### **Section 9. Forfeiture and Seizures.**

Section 20-2-93, Code of Alabama 1975, is hereby amended to read as follows:

“§ 20-2-93.

“(a) The following are subject to forfeiture:

“(1) All controlled substances which have been grown, manufactured, distributed, dispensed or acquired in violation of this chapter;

“(2) All raw materials, products and equipment of any kind which are used or intended for use in manufacturing, cultivating, growing, compounding, processing, delivering, importing or exporting any controlled substance in violation of this chapter;

“(3) All property which is used or intended for use as a container for property described in subdivisions (1) or (2) of this subsection;

“(4) Lawful currency (money) of the United States of America seized:

“a. On or within any conveyance, including aircraft, vehicles or vessels, when the same are being used or intended for use to transport or in any manner to facilitate the transportation for the purpose of sale or receipt of property described in subdivisions (1) or (2) of this subsection;

“b. On the person of any human being found in the act of selling or receiving, or attempting to sell or receive, property described in subdivisions (1) or (2) of this subsection;

"c. Inside the room, closet, hallway, passageway or other immediate area of any building of any type whatsoever, wherein any human being is found in the act of selling or receiving, or attempting to sell or receive, property described in subdivisions (1) or (2) of this subsection;

"d. Inside any piece of baggage, bag, package or container within the immediate proximity of any human being found in the act of selling or receiving, or attempting to sell or receive, any property described in subdivisions (1) or (2) of this subsection;

"(5) All conveyances, including aircraft, vehicles, vessels, or agricultural machinery, with which or from which a person or persons sells, furnishes, gives away, manufactures, cultivates, grows, transports, facilitates the transportation thereof, delivers, or distributes any property described in subdivisions (1) or (2) of this subsection;

"(6) All books, records and research products and materials, including formulas, microfilm, tapes and data, which are used or intended for use in violation of this chapter;

"(7) All moneys, funds, negotiable instruments, securities, or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance in violation of this act, all proceeds traceable to such an exchange, and all moneys, funds, negotiable instruments, securities, and other things of value used or intended to be used to facilitate any violation of this act;

"(8) All real property or fixtures used or intended to be used for the manufacture, cultivation, growth, receipt, storage, handling, distribution, or sale of any controlled substance in violation of this chapter.

"(b) Property subject to forfeiture under this chapter may be seized by state, county or municipal law enforcement agencies upon process issued by any court having jurisdiction over the property. Seizure without process may be made if:

"(1) The seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant;

"(2) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding based upon this chapter;

"(3) The state, county or municipal law enforcement agency has probable cause to believe that the property is directly or indirectly dangerous to health or safety; or

“(4) The state, county or municipal law enforcement agency has probable cause to believe that the property was used or is intended to be used in violation of this chapter.

“(c) In the event of seizure pursuant to subsection (b) of this section, proceedings under subsection (d) of this section shall be instituted promptly.

“(d) Property taken or detained under this section shall not be subject to replevin but is deemed to be in the custody of the state, county or municipal law enforcement agency subject only to the orders and judgment of the court having jurisdiction over the forfeiture proceedings. When property is seized under this chapter, the state, county or municipal law enforcement agency may:

“(1) Place the property under seal;

“(2) Remove the property to a place designated by it;

“(3) Require the state, county or municipal law enforcement agency to take custody of the property and remove it to an appropriate location for disposition in accordance with law.

“(4) In the case of real property or fixtures, post notice of the seizure on the property, and file and record notice of the seizure in the probate office;

“(e) When property is forfeited under this chapter the state, county or municipal law enforcement agency may:

“(1) Retain it for official use; except for lawful currency (money) of the United States of America which shall be disposed of in the same manner provided for the disposal of proceeds from a sale in subsection (e)(2) of this section;

“(2) Sell that which is not required to be destroyed by law and which is not harmful to the public. The proceeds from the sale authorized by this subsection shall be used, first, for payment of all proper expenses of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of or custody, advertising and court costs; and the remaining proceeds from such sale shall be awarded and distributed by the court to any law enforcement or prosecuting agency or department which is determined by the court to have been a participant in the investigation resulting in the seizure, and such award and distribution shall be made on the basis of the percentage as determined by the court, which the respective agency or department contributed to the police work resulting in the seizure; and the court shall order that the said funds shall be used exclusively for law enforcement purposes.

“(3) Require the state, county or municipal law enforcement agency to take custody of the property and remove it for disposition in accordance with law.

“(f) Controlled substances listed in schedule I that are possessed, transferred, sold or offered for sale in violation of this chapter are contraband and shall be seized and summarily forfeited to the state. Controlled substances listed in schedule I which are seized or come into the possession of the state, the owners of which are unknown, are contraband and shall be summarily forfeited to the state.

“(g) Species of plants from which controlled substances in schedules I and II may be derived which have been planted or cultivated in violation of this chapter or of which the owners or cultivators are unknown or which are wild growths may be seized and summarily forfeited to the state.”

“(h) An owner’s or bona fide lienholder’s interest in real property or fixtures shall not be forfeited under this section for any act or omission unless the State proves that that act or omission was committed or omitted with the knowledge or consent of that owner or lienholder. An owner’s or bona fide lienholder’s interest in any type of property other than real property and fixtures shall be forfeited under this section unless the owner or bona fide lienholder proves both that the act or omission subjecting the property to forfeiture was committed or omitted without the owner’s or lienholder’s knowledge or consent and that the owner or lienholder could not have obtained by the exercise of reasonable diligence knowledge of the intended illegal use of the property so as to have prevented such use.

#### **Section 10. Other Laws Amended.**

(A) Section 20-2-2, Code of Alabama 1975, is amended to read as follows:

##### **§ 20-2-2. Definitions.**

When used in this chapter, the following words and phrases shall have the following meanings, respectively, unless the context clearly indicates otherwise;

(1) **ADMINISTER.** The direct application of a controlled substance, whether by injection, inhalation, ingestion or any other means, to the body of a patient or research subject by:

- a. A practitioner or, in his presence, his authorized agent; or
- b. The patient or research subject at the direction and in the presence of the practitioner.

(2) **AGENT.** An authorized person who acts on behalf of or at the direction of a manufacturer, distributor or dispenser. Such term does not include common or contract carrier, public warehouseman or employee of the carrier or warehouseman.

(3) **BUREAU.** The bureau of narcotics and dangerous drugs, United States Department of Justice or its successor agency, and the Department of Public Safety, the Alabama Bureau of Investigation, or its successor agency.

(4) **CERTIFYING BOARDS.** The state board of medical examiners, the state board of health, the state board of pharmacy, the state board of dental examiners and the state board of veterinary medical examiners.

(5) **CONTROLLED SUBSTANCE.** A drug, substance or immediate precursor in schedules I through V of article 2 of this chapter.

(6) **DELIVER or DELIVERY.** The actual, constructive or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship.

(7) **DISPENSE.** To deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling or compounding necessary to prepare the substance for that delivery.

(8) **DISPENSER.** A practitioner who dispenses.

(9) **DISTRIBUTE.** To deliver other than by administering or dispensing a controlled substance.

(10) **DISTRIBUTOR.** A person who distributes.

(11) **DRUG.**

a. Substances recognized as drugs in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States or official national formulary or any supplement to any of them;

b. Substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or animals;

c. Substances (other than food) intended to affect the structure of any function of the body of man or animals; and

d. Substances intended for use as a component of any article specified in paragraphs a, b or c of this subdivision. Such term does not include devices or their components, parts or accessories.

(12) **IMMEDIATE PRECURSOR.** A substance which the state board of pharmacy has found to be and by rule designates as being the principal compound commonly used or produced primarily for use and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail or limit manufacture.

(13) **MANUFACTURE.** The production, preparation, propagation, compounding, conversion or processing of a controlled substance either directly or indirectly, by extraction from substances of natural origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container; except, that this term does not include the preparation or compounding of a controlled substance by an individual for his own use or the preparation, compounding, packaging or labeling of a controlled substance:

a. By a practitioner as an incident to his administering or dispensing of a controlled substance in the course of his professional practice; or

b. By a practitioner or by his authorized agent under his supervision for the purpose of or an incident to research, teaching or chemical analysis and not for sale.

(14) **MARIHUANA.** All parts of the plant *Cannabis sativa* L., whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. Such term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake or the sterilized seed of the plant which is incapable of germination.

(15) **NARCOTIC DRUG.** Any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis:

a. Opium and opiate and any salt, compound, derivative or preparation of opium or opiate.

b. Any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph a, but not including the isoquinoline alkaloids of opium.

c. Opium poppy and poppy straw.

d. Coca leaves and any salt, compound, derivative or preparation of coca leaves and any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

(16) OPIATE. Any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. Such term does not include, unless specifically designated as controlled under section 20-2-20, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). Such terms does include its racemia and levorotatory forms.

(17) OPIUM POPPY. The plant of the species *Papaver somniferum* L., except its seeds.

(18) PERSON. Individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association or any other legal entity.

(19) POPPY STRAW. All parts, except the seeds, of the opium poppy, after mowing.

(20) PRACTITIONER.

a. A physician, dentist, veterinarian, scientific investigator or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state.

b. A pharmacy, hospital or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state.

(21) PRODUCTION. The manufacture, planting, cultivation, growing or harvesting of a controlled substance.

(22) STATE. When applied to a part of the United States, such term includes any state, district, commonwealth, territory, insular possession thereof and any area subject to the legal authority of the United States of America.

(23) ULTIMATE USER. A person who lawfully possesses a controlled substance for his own use or for the use of a member of his household or for administering to an animal owned by him or by a member of his household.

(B) Section 20-2-72, Code of Alabama 1975, is amended to read as follows:

**Prohibited Acts C**

(a) It is unlawful for any person:

(1) To distribute as a registrant a controlled substance classified in schedules I or II, except pursuant to an order form as required by section 20-2-57;

(2) To use in the course of the manufacture or distribution of a controlled substance a registration number which is fictitious, revoked, suspended or issued to another person;

(3) To acquire or obtain possession of a controlled substance by misrepresentation, fraud, forgery, deception or subterfuge,

(4) To furnish false or fraudulent material information in or omit any material information from any application, report or other document required to be kept or filed under this chapter or any record required to be kept by this chapter; or

(b) Any person who violates this section is guilty of a Class B felony,

(C) Section 20-2-32, Code of Alabama 1975 is amended to read as follows:

The state board of health shall revise and republish the schedules annually. The annual publication of schedules by the state board of health as required in a newspaper of general circulation shall be prima facie evidence that the substances listed in the publication are controlled substances. Proof of publication may be established as provided in Code of Alabama 1975, § 12-21-68.

**Section 11.** Act No. 82-426 Incorporated. Act No. 82-426, "the Imitation Controlled Substances Act," is incorporated in this act the same as if fully set out herein.

**Section 12.** Trafficking Laws Amended. Section 20-2-80, Code of Alabama 1975, is amended to read as follows:

§ 20-2-80. Trafficking in marihuana, cocaine, etc.; mandatory minimum terms of imprisonment.

As used in this section the following word, unless the context clearly indicates the contrary, shall have the following meaning:

**MARIHUANA.** All parts of any plant of the genus *Cannabis*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin.



Except as authorized in Article 6, Chapter 2, Title 20 of the Code of Alabama 1975:

(1) Any person who knowingly sells, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, in excess of one kilo or 2.2 pounds of marihuana is guilty of a felony, which felony shall be known as "trafficking in marihuana." If the quantity of marihuana involved:

a. Is in excess of one kilo or 2.2 pounds, but less than 2,000 pounds, such person shall be sentenced to a mandatory minimum term of imprisonment of three calendar years and to pay a fine of \$25,000.00.

b. Is 2,000 pounds or more, but less than 10,000 pounds, such person shall be sentenced to a mandatory minimum term of imprisonment of five calendar years and to pay a fine of \$50,000.00.

c. Is 10,000 pounds or more, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 calendar years and to pay a fine of \$200,000.00.

(2) Any person who knowingly sells, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 28 grams or more of cocaine or of any mixture containing cocaine, described in section 20-2-25(1), is guilty of a felony, which felony shall be known as "trafficking in cocaine." If the quantity involved:

a. Is 28 grams or more, but less than 200 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of three calendar years and to pay a fine of \$50,000.00.

b. Is 200 grams or more, but less than 400 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of five calendar years and to pay a fine of \$100,000.00.

c. Is 400 grams or more, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 calendar years and to pay a fine of \$250,000.00.

(3) Any person who knowingly sells, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, four grams or more of any morphine, opium, or any salt, isomer, or salt of an isomer thereof, including heroin, as described in section 20-2-23(2) or section 20-2-25(1)a, or four grams or more of any mixture containing any such substance, is guilty of a felony, which felony shall be known as "trafficking in illegal drugs." If the quantity involved:

a. Is four grams or more, but less than 14 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of three calendar years and to pay a fine of \$50,000.00.

b. Is 14 grams or more, but less than 28 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 10 calendar years and to pay a fine of \$100,000.00.

c. Is 28 grams or more, such person shall be sentenced to a mandatory minimum term of imprisonment of 25 calendar years and to pay a fine of \$500,000.00 (Acts 1980, No. 80-587).

“(4) Any person who knowingly sells, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 100 pills or more or 100 capsules or more or 70 grams of powder of the substance methaqualone is guilty of a felony, which felony shall be known as ‘trafficking in methaqualone.’ If the quantity involved:

“(a) Is 100 pills or more, but less than 200 pills or 70 grams of powder or more, but less than 150 grams of powder, such person shall be sentenced to a mandatory term of imprisonment of three calendar years and to pay a fine of \$50,000.00.

“(b) Is 200 pills or more, but less than 400 pills or 150 grams of powder or more, but less than 300 grams of powder, such person shall be sentenced to a mandatory term of imprisonment of five calendar years and to pay a fine of \$100,000.00.

“(c) Is 400 pills or more, or 300 grams of powder or more, such person shall be sentenced to a mandatory term of imprisonment of ten calendar years and to pay a fine of \$250,000.00.”

(E) (a) Notwithstanding the provisions of chapter 22, Title 15, with respect to any person who is found to have violated this article, adjudication of guilt or imposition of sentence shall not be suspended, deferred, or withheld, nor shall such person be eligible for parole prior to serving the mandatory minimum term of imprisonment prescribed by this article.

(b) The prosecuting attorney may move the sentencing court to reduce or suspend the sentence of any person who is convicted of a violation of this article and who provides substantial assistance in the identification, arrest, or conviction of any of his accomplices, accessories, co-conspirators, or principles. The arresting agency shall be given an opportunity to be heard in aggravation or mitigation in reference to any such motion. Upon good cause shown, the motion may be filed and heard in-camera. The judge hearing the motion may reduce or suspend the sentence if he finds that the defendant rendered such substantial assistance. (Act 1980, No. 80-587.)

(c) For the purposes of attempt, conspiracy, solicitation and habitual offender treatment, a violation of this section will be treated as a Class B felony. Provided however, that the sentence of imprisonment for violating this section shall be the sentence provided in this act or the sentence provided under Code of Alabama 1975, § 13A-5-9, whichever is greater. Provided further, that the fine for violating this section shall be the fine provided in this act or the fine provided under Code of Alabama 1975, § 13A-5-11, whichever is greater.

**Section 13.** Inclusion in Title 13A. The provisions of this Act are to be included in the Code of Alabama 1975, as a part of Title 13A, "Alabama Criminal Code", and all provisions are applicable thereto; provided that the provisions contained in section 10 of this Act shall also be included in Title 20.

**Section 14.** Repealer. Code of Alabama 1975, §§ 20-2-70, 20-2-73, 20-2-75, and any and all other laws or parts of laws that conflict with this act are hereby repealed insofar as conduct occurring after the effective date of this act is concerned.

**Section 15.** Relation to Consistent Laws. The provisions of this act are supplemental to other laws not inconsistent with this act, and such other laws shall not be deemed to be repealed by this act.

**Section 16.** Applicability. This act applies to conduct occurring after its effective date. Conduct occurring before the effective date of this act shall be governed by pre-existing law.

**Section 17.** Severability. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 18.** Effective Date. This act shall take effect at 12:01 a.m. on the 90th day after its passage and approval by the Governor, or at 12:01 a.m. on the 90th day after its otherwise becoming a law.

Approved August 22, 1982

Time: 5:00 P.M.

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Act No. 82-893

S. 75—Mr. deGraffenried

### AN ACT

To prohibit the acts of shooting or discharging a firearm, explosive or other weapon which discharges a dangerous projectile into any occupied or unoccupied dwelling or building or railroad locomotive or railroad car or aircraft or automobile, and prescribing felony punishment for such acts.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** No person shall shoot or discharge a firearm, explosive or other weapon which discharges a dangerous projectile into any occupied or unoccupied dwelling or building or railroad locomotive or railroad car or aircraft or automobile in this state.

**Section 2.** (a) Any person who commits an act prohibited by Section 1 hereof with respect to an occupied dwelling or building or railroad locomotive or railroad car shall be deemed guilty of a Class B felony as defined by the state criminal code, and upon conviction, shall be punished as prescribed by law.

(b) Any person who commits any act prohibited by Section 1 hereof with respect to an unoccupied dwelling or building or railroad locomotive or railroad car shall be deemed guilty of a Class C felony as defined by the state criminal code, and upon conviction, shall be punished as prescribed by law.

**Section 3.** The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 4.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 22, 1982

Time: 5:00 P.M.

Act No. 82-894

S. 76—Mr. deGraffenried

### AN ACT

To provide for the issuance of special permits for the movement of certain type oversized loads over or on the highways of Alabama.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The director of the State Highway Department or the official of the Highway Department designated by the director may, at his discretion, upon application and for good cause being shown therefore, issue special permits to the applicant, for movement on or over the public highways, for motor vehicles when used in the transportation of site-built residential buildings or otherwise, which had at one time been affixed to a permanent foundation; provided, however, that this act shall not extend to those motor vehicles used in the transportation of what is commonly referred to as mobile homes, house trailers, prefabricated housing or other factory-built buildings.

The applicants for the permits issued under this act shall state if the route of the movement will cross one or more railroads at grade.

**Section 2.** The fee for the issuance of such permit shall be the same as set forth in Section 32-9-29(c), Code of Alabama 1975.

**Section 3.** The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 4.** All laws or parts of laws which conflict with this act are hereby repealed.

**Section 5.** This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 22, 1982

Time: 5:00 P.M.

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Act No. 82-895

S. 80—Mr. Miller

### AN ACT

To amend section 36-27-16 and section 16-25-24, Code of Alabama 1975, relating to the State Employees' Retirement System and the Teachers Retirement System, so as to change from five years to two years the time required for certain members who have been restored to active service to continue in service before again becoming a member of the system.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 36-27-16 and Section 16-25-14, Code of Alabama 1975, are hereby amended to read as follows:

"Section 36-27-16. Retirement, etc., of employees; retirement allowances.

(a) (1) RETIREMENT, ETC., OF EMPLOYEES GENERALLY; ELIGIBILITY FOR SERVICE RETIREMENT BENEFITS.

"a. Any member who withdraws from service upon or after attainment of age 60 may retire upon written application to the board of control setting forth at what time, not less than 30 days nor more than 90 days subsequent to the execution and filing thereof, he desires to be retired; provided, that any such member who became a member on or after October 1, 1963, shall have completed 10 or more years of creditable service; provided further, that a member employed as

a state policeman shall be eligible to file application for service retirement upon attaining age 52.

"b. Any member who has attained age 60, or age 52 in the case of a state policeman, and has previously withdrawn from service may retire upon written application to the board of control setting forth at what time, not less than 30 days nor more than 90 days subsequent to the execution and filing thereof, he desires to be retired; provided, that the said member shall have completed 15 years of creditable service and shall have attained age 55 or 52 in case of a state policeman at the time of his withdrawal from service.

"c. Any employee who attains age 70 shall be retired or shall withdraw from service forthwith; except, that any employee may be continued in the state service from year to year on his application, approved by the personnel board, if evidence of physical and mental fitness is furnished; provided further, that any official appointed for a term of years may remain in service until the end of the term of office for which he was appointed. Any officer or employee of the legislature who has attained age 70 shall not be compelled to retire at age 70, but may continue in service until his retirement is ordered by the house of which he is an officer or employee and that house shall be the sole judge of his qualifications to continue in such service. Nothing in this chapter shall require the dismissal of any person 70 years old or over who fails to join the retirement system within the time specified in this article if such person was in the employ of the state on June 1, 1945.

"d. Notwithstanding the provisions of this section to the contrary, any law-enforcement employee in the department of conservation who has attained age 65 shall be retired forthwith.

"e. Notwithstanding the provisions of this section of the contrary, and state policeman who has attained age 60 shall be retired forthwith; provided, that any state policeman who attains age 60 may be continued in the state service from year to year on application of said employee, approved by the personnel board, if evidence of physical or mental fitness to carry out his duties is furnished.

## "(2) AMOUNT OF SERVICE RETIREMENT ALLOWANCE.

"a. Upon retirement from service a member shall receive a service allowance which shall consist of:

"1. An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement; except, that in the case of a state policeman who has completed 20 years of creditable service as a state policeman who retires after age 56 but prior

to age 60, the annuity shall be equal to the annuity that would have been payable upon service retirement at age 60 had the member continued in service to said age 60 without change in compensation;

"2. A pension which shall be equal to the annuity allowance at age of retirement, but not to exceed an annuity allowable at age 65, computed on the basis of contributions made prior to attainment of age 65; except, that in the case of a state policeman who has completed 20 years of creditable service as a state policeman who retires after age 56 but prior to age 60, the pension shall be equal to the annuity that he would have received had he contributed to age 60 without change in compensation; and

"3. An additional pension, if he has a prior service certificate in full force and effect, which shall be equal to the annuity which would have been provided at the age of retirement, but which shall not exceed an annuity allowable at age 65 by twice the contributions which he would have made during the period of prior service with which he is credited had the system been in operation and had he contributed thereunder; except, that in case of a state policeman who has completed 20 years of creditable service as a state policeman who retires after age 56 but prior to age 60, an additional pension, if he has a prior service certificate in full force and effect, which shall be equal to the annuity which would have been provided at age 60, but which shall not exceed an annuity allowable at age 60 by twice the contributions which he would have made during the period of prior service with which he is credited had the system been in operation and had he contributed thereunder.

"b. Notwithstanding the provisions of subparagraphs 1, 2 and 3 of paragraph a of this subdivision, a state policeman who has completed 20 years of service as a state policeman who retires after age 52 but prior to age 56 shall receive:

"1. An annuity which shall be equal to the annuity that would have been payable had the member continued in service for four years without change in compensation;

"2. A pension which shall be equal to the annuity that he would have received had he contributed for four years without change in compensation; and

"3. An additional pension, if he has a prior service certificate in full force and effect, which shall be equal to the annuity which would have been provided at the age of retirement, but which shall not exceed an annuity allowable at the age of retirement plus four years by twice the contributions which he would have made during the period of prior service with which he is credited had the system been in operation and had he contributed thereunder. In lieu of a

determination of the actual compensation of a member that was received during such prior service, the board of control may use for the purpose of this article the compensation rate which, if it has progressed with the rates of salary increase shown in the tables as prescribed in subsection (n) of section 36-27-23, would have resulted in the same average salary of the member for the five years immediately preceding the date of establishment as the records show the member actually received.

“c. The annual service retirement pension payable to a member not employed as a state policeman retiring on or after October 1, 1975, shall not be less than an amount which, when added to his annuity, is equal to the greater of the following two amounts:

“1. Two and one-eightieth percent of the member's average final compensation multiplied by the number of years of his creditable service; or

“2. If he became a member before October 1, 1965, \$72.00 multiplied by the number of years of his creditable service not in excess of 25 years.

“d. The annual service retirement pension payable to a member employed as a state policeman retiring on or after October 1, 1975, shall not be less than an amount which, when added to his annuity is equal to the greater of the following two amounts:

“1. Two and seven-eighths percent of the member's average final compensation multiplied by the number of years of his creditable service; or

“2. If he became a member before October 1, 1965, \$86.40 multiplied by a number of years of his creditable service not in excess of 25 years; provided, however, that if such member has completed 20 years of creditable service as a state policeman and has not attained age 60 at the time of retirement, said pension shall be determined as provided in this subparagraph on the basis of the number of years of creditable service which he would have had if he had remained in service for four years, except that, in the case of those state policemen retiring at age 56 or after, the number of years in determining said pension shall not exceed the number of years of creditable service which he would have had if he had remained in service to age 60.

“e. Anything in this article to the contrary notwithstanding, in the application of the foregoing provisions of this subdivision to a member whose creditable service includes a period of service as a state policeman and a period of service in another employment classification, the benefit rates applicable to a member employed as a state policeman shall apply to all creditable service as a state policeman,



and the benefit rates applicable to a member not employed as a state policeman shall apply to all creditable service, but in all other respects the pension under this subdivision shall be determined on the basis of the member's employment classification at the time of his withdrawal from service.

"f. The annual service retirement pension payable to any state employee who had attained age 60 on or before October 1, 1945, who declined membership in the employees' retirement system of Alabama in the manner prescribed in section 36-27-4 and who retires as a state employee after completing a minimum of 15 years' service shall be \$72.00 multiplied by the number of years of his service not in excess of 25 years.

**"(b) (1) RETIREMENT OF DISABLED EMPLOYEES;  
ELIGIBILITY FOR DISABILITY RETIREMENT BENEFITS.**

"a. Upon application of a member in service or of his employee, any member who has had 10 or more years of creditable service who becomes disabled may be retired on a disability retirement allowance by the board of control not less than 30 nor more than 90 days next following the date of filing of such application; provided, that the medical board, after a medical examination of such member, shall certify that such member is mentally or physically incapacitated for the further performance of duty, that such incapacity is likely to be permanent and that such member should be retired.

"b. Without regard to the number of years of creditable service, a member employed as a state policeman, who as a result of his employment, in line of duty and not as a result of his own misconduct, shall become permanently and totally disabled to the extent that he cannot perform his duties or duties of a less strenuous nature, as an employee of the state of Alabama or as an employee of an employer participating under the provisions of section 36-27-6, shall be retired on a disability retirement allowance, not less than 30 nor more than 90 days next following the date of filing of such application, provided that the medical board, after a medical examination of such member shall certify that such member is mentally or physically incapacitated for the further performance of duty, that such incapacity is likely to be permanent, and that such member should be retired.

**"(2) AMOUNT OF DISABILITY RETIREMENT ALLOWANCE.**

"a. Upon retirement for disability a member shall receive a service retirement allowance if he has attained age 60, or if any law or part of any law pertaining to retirement under the employees retirement system for Alabama provides for service retirement after the completion of 30 years of creditable service without a reduction in the

retirement allowance and the member has completed 30 years of creditable service, or, in the case of a state policeman, if he has attained age 52; otherwise, he shall receive a disability retirement allowance which shall consist of:

"1. An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement;

"2. A pension which shall be equal to the pension that would have been payable under subparagraphs 2 and 3 of paragraph a of subdivision (2) of subsection (a) of this section upon service retirement at age 65 had the member continued in service to said age without change in compensation, reduced by one fourth of one percent for each month of retirement prior to age 60, up to maximum reduction of 25 percent.

"b. The annual disability retirement pension payable to a member not employed as a state policeman retiring on or after October 1, 1975, shall not be less than an amount which when added to his annuity is equal to the greatest of the following two amounts:

"1. Two and one-eightieth percent of the member's average final compensation multiplied by the number of years of creditable service, reduced by one fourth of one percent for each month by which his date of retirement precedes his sixtieth birthday up to a maximum reduction of 25 percent; or

"2. If he became a member before October 1, 1965, \$54.00 multiplied by the number of years of his creditable service not in excess of 25 years; or

"3. If any law or part of any law pertaining to retirement under the employees' retirement system of Alabama provides for service retirement after the completion of 30 years of creditable service without a reduction in the retirement allowance, two and one-eightieth percent of the member's average final compensation multiplied by the number of years of creditable service reduced by three percent for each year less than 30 years creditable service up to a maximum to 25 percent.

"c. The annual disability retirement pension payable to a member employed as a state policeman retiring on or after October 1, 1975, shall not be less than an amount which when added to his annuity is equal to the greater of the following two amounts:

"1. Two and five thirty-seconds percent of the member's average final compensation multiplied by the number of years of his creditable service; or

"2. If he became a member before October 1, 1965, \$64.80 multiplied by the number of years of his creditable service not in excess of 25 years.

"d. Anything in this chapter to the contrary notwithstanding, in the application of the provisions of this subdivision to a member whose creditable service includes a period of service as a state policeman and a period of service in another employment classification, the benefit rates applicable to a member employed as a state policeman shall apply to all creditable service as a state policeman, and the benefit rates applicable to a member not employed as a state policeman shall apply to all other creditable service, but in all other respects the pension under this subdivision shall be determined on the basis of the member's employment classification at the time of his withdrawal from service.

"(3) REEXAMINATION OF BENEFICIARIES RETIRED ON ACCOUNT OF DISABILITY. Once each year during the first five years following the retirement of a member on a disability retirement allowance and once every three-year period thereafter, the board of control may, and upon his application shall, require any disability beneficiary who has not yet attained age 60 to undergo a medical examination, such examination to be made at the place of residence of such beneficiary or other place mutually agreed upon by a physician or physicians of or designated by the medical board. Should any disability beneficiary who has not yet attained age 60 refuse to submit to such medical examination, his allowance may be discontinued until his withdrawal of such refusal, and, should his refusal continue for one year, all his rights in and to his pension may be revoked by the board of control; provided, that these requirements relative to the medical examination shall not apply in the case of a state policeman retired for disability and who has attained age 52. Should the medical board report and certify to the board of control that a disability beneficiary is engaged in or is able to engage in a gainful occupation paying more than the difference between his retirement allowance and his average final compensation and should the board of control concur in such report, then the amount of his pension shall be reduced to an amount which, together with his annuity and the amount earnable by him shall equal the amount of his average final compensation. Should his earning capacity be later changed, the amount of his pension may be further modified; provided, that the new pension shall not exceed the amount of the pension originally granted nor an amount which, when added to the amount earnable by the beneficiary, together with this annuity exceeds the amount of his average final compensation.

“(c) (1) DISPOSITION OF CONTRIBUTIONS AND ALLOWANCES UPON DEATH, ETC., OF MEMBER. Should a member cease to be an employee except by death or by retirement under the provision of this article, the contributions standing to the credit of his individual account in the annuity savings fund shall be paid to him upon demand and, in addition to such payment, there shall be paid five tenths of the interest accumulations standing to the credit of his individual account if he shall have not less than 3 but less than 16 years of membership service, six tenths of such interest accumulations if he shall have not less than 16 but less than 21 years of membership service, seven tenths of such interest accumulations if he shall have not less than 21 but less than 16 years of membership service and eight tenths of such interest accumulations if he shall have not less than 26 years of membership service.

“(2) In the case of death of a member eligible for service retirement pursuant to subsection (a) of this section, an allowance shall be paid to the surviving spouse in an amount that would have been payable if the member had retired immediately prior to his death and had elected option 3, as set forth in subsection (d) of this section;

“(3) In case of the death of a member not eligible for service retirement, after completion of 25 years of creditable service, an allowance shall be paid to the surviving spouse in an amount that would have been payable if the member had retired for disability immediately prior to his death and has elected option 3 as set forth in subsection (d) of this section or, if the surviving spouse desires, he may choose to receive the accumulated contributions of the member in lieu of the allowance provided under option 3 plus an amount equal to the accumulated contributions of the member not to exceed \$5,000.00;

“(4) Upon the death of a member on account of whom no survivor allowance is payable under subdivisions (2) or (3) of this subsection, the accumulated contributions of the member plus an amount equal to the accumulated contributions not to exceed \$5,000.00 shall be paid to his estate or to such person as he shall have nominated by written designation duly executed and filed with the board of control.

“(d) OPTIONAL ALLOWANCES. With the provision that the election of an option shall be effective on the effective date of retirement, any member may elect prior to retirement to receive, in lieu of his retirement allowance payable throughout life, the actuarial equivalent, at that time, of his retirement allowance in a reduced retirement allowance payable throughout life with the provisions that:

“(1) OPTION 1. — If he dies before he has received in annuity payments the present value of his annuity as it was at the time of his retirement, the balance shall be paid to his legal representatives or to such person as he shall nominate by written designation duly acknowledged and filed with the board of control;

“(2) OPTION 2. — Upon his death, his reduced retirement allowance shall be continued throughout the life of and paid to such person as he shall nominate by written designation duly acknowledged and filed with the board of control at the time of his retirement;

“(3) OPTION 3. — Upon his death, one half of his reduced allowance shall be continued throughout the life of and paid to such person as he shall nominate by written designation duly acknowledged and filed with the board of control at the time of his retirement; or

“(4) OPTION 4. — Some other benefit or benefits shall be paid either to the member or to such person or persons as he shall nominate; provided, that such other benefits, together with the reduced retirement allowance, shall be certified by the actuary to be of equivalent actuarial value to his retirement allowance and shall be approved by the board of control.

“(e) (1) EFFECT OF RETURN TO ACTIVE SERVICE. Should any beneficiary be restored to active service from service retirement or from disability retirement on or after attainment of age 52, his retirement allowance shall be suspended until he again withdraws from service and he shall not again become a member of the retirement system nor shall he make contributions; except, that should such beneficiary who has been restored to active service continue in service for a period of two or more years from the date of his reentry into active service, he may request the board of control to allow him to again become a member of the retirement system. The board of control may grant the request for restoration to membership; provided, that such beneficiary whose retirement allowance has been suspended shall repay to the system all moneys received by him as benefits during any periods subsequent to the date of his reentry into active service and shall make a contribution equal to the amount he would have contributed had he been a member during the period of his restoration to active service on a suspended allowance basis together with the interest which would have been credited to the contributions on account of such period of restoration up to the date such contribution is made.

(2) Should any beneficiary on disability retirement be restored to active service before reaching age 52, he shall again become a member of the retirement system and shall make contributions.

“(f) (1) REDETERMINATION, ETC., OF CERTAIN ALLOWANCES. All retirement allowance payments due on or after October 1, 1975, to members who retired prior to said date shall be redetermined as if the provisions of this section in effect on October 1, 1975, were in effect at the time the member retired. Anything in this article to the contrary notwithstanding, the annual retirement allowance of any member not employed as a state policeman who retired on or before January 1, 1956, shall not be less than \$79.20 multiplied by the number of years of his creditable service not in excess of 30 years in the case of service retirement or \$59.40 multiplied by the number of years of his creditable service not in excess of 30 years in the case of disability retirement. Any increase provided in the retirement allowance payment under this subdivision for a member who retired under the provisions of any optional benefit elected pursuant to subsection (d) of this section shall accrue only to the retired member, and no person designated to receive any payments after the death of a retired member under the provisions of any such optional benefit shall receive any increase in such payments under this subdivision. Notwithstanding, any member who retired prior to October 1, 1975, and who chose either option 2 or option 3 may elect to receive a reduced allowance and to stipulate that the actuarial equivalent of the increase in his retirement allowance, which became effective on said date, be ascribed to his designated beneficiary; provided, that such member shall clearly express this intention by filing a written application to said effect with the secretary-treasurer of the employees' retirement system of Alabama prior to October 1, 1976.

“(2) Any person who, prior to October 1, 1963, was in receipt of a benefit pursuant to Act No. 376, approved November 6, 1959, but was not a member of the system at the time of retirement shall be entitled to receive an annual retirement allowance from the system, effective October 1, 1971, as follows:

“a. If such person was retired on or before January 1, 1956, an amount equal to \$79.20 multiplied by the number of years of creditable service not in excess of 30 years.

“b. If such person was retired after January 1, 1956, an amount equal to \$72.00 multiplied by the number of years of his creditable service not in excess of 25 years.

“(3) Prior to October 31, 1975, any beneficiary may elect to leave on deposit with the system all or a specified part of any increase in his monthly allowance which he was receiving prior to October 1, 1975. The portion of each monthly payment left in the system in accordance with such election shall be credited, together with regular interest thereon, to the individual account of such beneficiary. Upon the death

of such beneficiary the total amount standing to his credit, including regular interest to the date of death, shall be paid in lump sum to his legal representatives or to such person as he shall have nominated by written designation duly acknowledged and filed with the board of control.

Section 16-25-14. Retirement of members; benefits generally.

"(a) (1) Any member who withdraws from service upon or after attainment of age 60 may retire upon written application to the board of control setting forth at what time, not less than 30 days nor more than 90 days subsequent to the execution and filing thereof, he desires to be retired; provided, that any such member who became a member on or after October 1, 1963, shall have completed 10 or more years of creditable service.

"(2) Any member who has attained age 60 and has previously withdrawn from service may retire upon written application to the board of control setting forth at what time, not less than 30 days nor more than 90 days subsequent to the execution and filing thereof, he desires to be retired; provided, that the said member shall have completed at the time for his withdrawal from service the requirements established by the board of control for eligibility for deferred benefits pursuant to section 16-25-3.

"(3) Any teacher in service who has attained age 70 shall be retired or shall withdraw from service forthwith; provided, that with the approval of his employer he may remain in service until the end of the then current school year which shall be no later than June 30 following the date on which he attains age 70.

"(4) Any person who is presently covered or is eligible to be covered under the employees' retirement system of Alabama or the teachers' retirement system of Alabama and who, prior to such coverage or eligibility for coverage, served as head of any Alabama county's public library service department shall have credited to him or her one year of creditable service for each year pay into the retirement system the employee's part of the cost or contribution based on the salary paid to such person during the time of his or her service in the above capacity, with such cost or contribution to be calculated at the percent or rate in effect on October 1, 1973.

"(5) Any member of the teachers' retirement system of Alabama, who withdraws from service after the completion of at least 30 years of creditable service, may retire upon written application to the board of control of the teachers' retirement system setting forth at what time, not less than 30 days nor more than 90 days subsequent to the execution and filing thereof, he desires to be retired; provided, that any such member who becomes a member on or after October 1, 1963 shall have completed 10 or more years of creditable service.

“(b) Upon retirement from service, a member shall receive a service retirement allowance which shall consist of:

“(1) An annuity which shall be equal to the actuarial equivalent of his accumulated contributions at the time of his retirement.

“(2) A pension which shall be equal to the annuity allowable at the age of retirement, but not to exceed an annuity allowable at age 65 computed on the basis of contributions made prior to the attainment of age 65; and

“(3) If he has a prior service certificate in full force and effect, an additional pension which shall be equal to the annuity which would have been provided at age of retirement, but not to exceed an annuity allowable at age 65 by twice the contributions which he would have made during the period of prior service with which he is credited had the system been in operation and had he contributed thereunder. In lieu of a determination of the actual compensation of the members that was received during such prior service, the board of control may use for the purposes of this chapter the compensation rates which, if they had progressed with the rates of salary increase shown in the tables as prescribed in subsection (o) of section 16-25-19, would have resulted in the same average salary of the member for the five years immediately preceding the date of establishment as the records show the member actually received.

“(c) The annual service retirement pension payable to a member retiring on or after October 1, 1975 shall not be less than an amount which when added to his annuity is equal to the greater of the following two amounts:

“(1) Two and one-eightieth percent of the member's average final compensation multiplied by the number of years of his creditable service; or

“(2) If he became a member before October 1, 1971, \$72.00 multiplied by the number of years of his creditable service not in excess of 25 years.

Notwithstanding, a member who retired prior to October 1, 1971, under service retirement shall receive \$120.00 multiplied by the number of years of his creditable service not in excess of 25 years.

(d) Upon the application of a member in service or of his employer, any member who has had 10 or more years of creditable service may be retired by the board of control on a disability retirement allowance not less than 30 nor more than 90 days next following the date of filing such an application; provided, that the medical board, after a medical examination of such member, shall certify that such member is mentally or physically incapacitated for further



performance of duty, that such incapacity is likely to be permanent and that such member should be retired.

“(e) Upon retirement for disability, a member shall receive a service retirement allowance if he has attained age 60 or if any law or part of any law pertaining to retirement under the teachers’ retirement system of Alabama provides for service retirement after the completed 30 years of creditable service and the member has completed 30 years of creditable service; otherwise, he shall receive a disability retirement allowance which shall consist of:

“(1) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of retirement; and

“(2) A pension which shall be equal to the pension that would have been payable under subdivisions (2) and (3) of subsection (b) of this section upon service retirement at age 60 had the member continued in service to said age without change in compensation, reduced by one fourth of one percent for each month by which his date of retirement precedes his sixtieth birthday to a maximum reduction of 25 percent.

The annual disability retirement pension shall not be less than an amount which when added to his annuity is equal to the greater of the following amounts:

“a. Two and one-eightieth percent of the member’s average final compensation multiplied by the number of years of creditable service reduced by one fourth of one percent for each month by which his date of retirement precedes his sixtieth birthday to a maximum reduction of 25 percent;

“b. If he became a member before October 1, 1971, \$54.00 multiplied by the number of years of his creditable service not in excess of 25 years; or

“c. If any law or part of any law pertaining to retirement under the teachers’ retirement system of Alabama provides for service retirement after the completion of 30 years of creditable service, two and one-eightieth percent of the member’s average final compensation multiplied by the number of years of creditable service reduced by one fourth of one percent for each month less than 30 years of creditable service up to a maximum of 25 percent.

Notwithstanding, a member who retired prior to October 1, 1971, for disability shall receive \$90.00 multiplied by the number of years of his creditable service not in excess of 25 years.

“(f) (1) Once each year during the first five years following the retirement of a member on disability retirement allowance and once

in every three-year period thereafter, the board of control may and upon his application shall require any disability beneficiary who has not yet attained age 60 to undergo a medical examination, such examination to be made at the place of residence of such beneficiary or other place mutually agreed upon by a physician of or designated by the medical board. Should any disability beneficiary who has not yet attained age 60 refuse to submit to such medical examination, his pension may be discontinued until his withdrawal of such refusal, and should his refusal continue for one year, all his rights in and to his pension may be revoked by the board of control.

“(2) Should the medical board report and certify to the board of control that a disability beneficiary is engaged in or is able to engage in a gainful occupation paying more than the difference between his retirement allowance and his average final compensation and should the board of control concur in such report, then the amount of his pension shall be reduced to an amount which, together with his annuity and the amount earnable by him, shall equal the amount of his average final compensation. Should his earning capacity be later changed, the amount of his pension may be further modified; provided, that the new pension shall not exceed the amount of the pension originally granted nor an amount which, when added to the amount earnable by the beneficiary together with his annuity, equals the amount of his average final compensation.

“(g) (1) Should a member cease to be a teacher, except by death or by retirement under the provisions of this chapter, the contributions standing to the credit of his individual account in the annuity savings fund shall be paid to him upon demand, and in addition to such payment there shall be paid five tenths of the interest accumulations standing to the credit of his individual account if he shall have not less than three but less than 16 years of membership service, six tenths of such interest accumulations if he shall have not less than 16 but less than 21 years of membership service, seven tenths of such interest accumulations if he shall have not less than 21 but less than 26 years of membership service and eight tenths of such interest accumulations if he shall have not less than 26 years of membership service.

“(2) In case of the death of a member eligible for service retirement pursuant to subsection (a) of this section, an allowance shall be paid to the surviving spouse in an amount that would have been payable if the member had retired immediately prior to his death and had elected option 3, as set forth in subsection (h) of this section.

“(3) In case of the death of a member not eligible for service retirement after completion of 25 years of creditable service, an allowance shall be paid to the surviving spouse in an amount that would

have been payable if the member had retired for disability immediately prior to his death and had elected option 3, as set forth in subsection (h) of this section or, if the surviving spouse desires, he may choose to receive the accumulated contributions of the member in lieu of the allowance provided under option 3, plus an amount equal to the accumulated contributions of the member not to exceed \$5,000.00.

“(4) Upon the death of a member on account of whom no survivor allowance is payable under subdivision (2) or (3) of this subsection, the accumulated contributions of the member plus an amount equal to the accumulated contributions not to exceed \$5,000.00 shall be paid to his estate or to such person as he shall have nominated by written designation duly executed and filed with the board of control.

“(h) With the provision that no election of an option shall be effective until the end of the month following the effective date of retirement and that should a beneficiary die before his first benefit payment is due at the end of the month following the effective date of retirement he shall be considered as an active member at the time of death, any member may elect prior to retirement to receive, in lieu of his retirement allowance payable throughout life, the actuarial equivalent at the time of his retirement allowance in a reduced retirement allowance payable throughout life with the provisions that:

“(1) OPTION 1. — If he dies before he has received in annuity payments the present value of his annuity as it was at the time of his retirement, the balance shall be paid to his legal representative or to such person as he shall nominate by written designation duly acknowledged and filed with the board of control;

“(2) OPTION 2. — Upon his death, his reduced retirement allowance shall be continued throughout the life of and paid to such person as he shall nominate by written designation duly acknowledged and filed with the board of control at the time of his retirement;

“(3) OPTION 3. — Upon his death, one half of his reduced retirement allowance shall be continued throughout the life of and paid to such person as he shall nominate by written designation duly acknowledged and filed with the board of control at the time of his retirement; or

“(4) OPTION 4. — Some other benefit or benefits shall be paid either to the member or to such person or persons as he shall nominate; provided, that such other benefit or benefits, together with the reduced retirement allowance, shall be certified by the actuary to be of equivalent actuarial value to his retirement allowance and shall be approved by the board of control.

“(i) (1) Should any beneficiary be restored to active service from service retirement or from disability retirement on or after attainment of age 50, his retirement allowance shall be suspended until he again withdraws from service and, he shall not again become a member, nor shall he make contributions; except, that should such beneficiary who has been restored to active service continue in service for a period of two or more years from the date of his reentry into active service, he may request the board of control to allow him to again become a member of the retirement system. The board of control may grant the request for restoration to membership; provided, that such beneficiary whose retirement allowance has been suspended shall repay to the system all moneys received by him as benefits during any period subsequent to the date of his reentry into active service; provided further, that he shall make a contribution equal to the amount he would have contributed had he been a member during the period of his restoration to active service on a suspended allowance basis, together with the interest which would have been credited to the contributions on account of such period of restoration up to the date such contribution is made.

“(2) Should any beneficiary on disability retirement be restored to active service before reaching age 50, he shall again become a member of the retirement system and shall make contributions.

“(j) (1) All retirement allowance payments due on or after October 1, 1975 to members who retired prior to October 1, 1975 shall be redetermined as if the provisions of subsections (b) and (e) of this section which became effective on said date were in effect at the time the member retired; provided, that the annual retirement allowance of any member who retired on or before January 1, 1956 shall be not less than \$132.00 multiplied by the number of years of his creditable service not in excess of 30 years in the case of service retirement or \$99.00 multiplied by the number of years of creditable service not in excess of 30 years in the case of disability retirements. Any increase provided in the retirement allowance payment under this subsection for a member who retired under the provisions of any optional benefit elected pursuant to subsection (h) of this section shall accrue only to the retired member, and no person designated to receive any payments after the death of a retired member under the provisions of any such optional benefit shall receive any increase in such payments under this subsection.

“(2) Any person who served at least 30 years as a teacher in the public schools of Alabama and was never a member of the system and who, prior to October 1, 1963, was in receipt of a benefit for old age assistance pursuant to subsections (1) and (2) of section 1 of Act 116, approved August 24, 1959, shall be entitled to receive an annual

retirement allowance of \$3,960.00 from the system, effective as of October 1, 1973.

“(3) Prior to October 31, 1975 any beneficiary may elect to leave on deposit with the system all or a specified part of any increase in his monthly retirement allowance payments arising in accordance with subdivision (1) or (2) of this subsection. The portion of each monthly payment left in the system in accordance with such election shall be credited, together with regular interest thereon, to the individual account of such beneficiary. Upon the death of such beneficiary, the total amount standing to his credit, including regular interest to the date of death, shall be paid in a lump sum to his legal representative or to such person as he shall have nominated by written designation duly acknowledged and filed with the board of control.”

**Section 2.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 22, 1982

Time: 5:00 P.M.

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Act No. 82-896

S. 84—Mr. Robertson

## AN ACT

To provide for the criminal offense of theft of fish from fish farms and provides for penalties for violations.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** It shall be unlawful for any person to fish or take fish from any fish farm except with the consent of the owner thereof. Any person possessing fishing tackle on the premises of a fish farm shall be rebuttably presumed to be fishing. All fishing tackle, apparatus and vehicles used in the violation of the act shall be confiscated by the arresting officer. If such confiscated property is determined by a court of law to have been used in the violation of this act, such confiscated property shall be sold at public auction by the county sheriff of the county wherein the violation occurred and the proceeds thereof deposited in the county general fund, provided that such auction may be stayed by an appropriate court order.

**Section 2.** Any person violating this act shall be deemed guilty of a misdemeanor and fined not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) and at the

discretion of the court by imprisonment in the county jail for a period not to exceed one (1) year, or both fine and imprisonment, and for subsequent offenses fined not less than one thousand dollars (\$1,000.00) nor more than two thousand dollars (\$2,000.00) and a mandatory jail sentence for not less than thirty (30) days nor more than one (1) year.

**Section 3.** All laws or parts of laws in conflict with this act are hereby repealed.

**Section 4.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 22, 1982

Time: 5:00 P.M.

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Act No. 82-897

H. 101—Reps. Smith (J), Bennett, Bedsole,  
Clark (G)

AN ACT

To provide that any person convicted of certain crimes of violence shall not be eligible for work release.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Any person convicted of any of the following crimes or an attempt to commit any of them, namely: murder, rape in the first degree, assault in the first degree, kidnapping in the first degree, and arson in the first degree, shall not be eligible for work release.

**Section 2.** The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 3.** All laws or parts of laws which conflict with this act are hereby repealed.

**Section 4.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 22, 1982

Time: 5:00 P.M.

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Act No. 82-898

S. 11—Mr. St. John

## AN ACT

To authorize each county in this state to sell and issue from time to time interest-bearing warrants for the purpose of paying costs of erecting necessary public buildings, bridges and roads in such county; to provide that such warrants shall evidence general obligation indebtedness of the county; to provide that such warrants may, at the discretion of the governing body of the county, be additionally secured by a pledge or pledges of the proceeds from certain taxes; to specify the effect and priority of any such pledges; to authorize the refunding of any such warrants; to provide that such warrants shall be legal investments for fiduciaries; to provide that the issuance of any warrants and the interest coupons applicable thereto shall constitute the audit and allowance of claims against the issuing county and any tax proceeds and revenues, or either, pledged to the payment thereof.

*Be It Enacted by the Legislature of Alabama:*

**Section 1. Legislative Intent.** It is the intention of the Legislature by the passage of this act to authorize each county in the state to finance the costs of erecting necessary public buildings, bridges and roads in such county by the sale and issuance of interest-bearing warrants of such county, and to refund any warrants issued hereunder. This act shall be liberally construed in conformity with the said intention.

**Section 2. Authorization of Issuance of Warrants.** Each county shall have the power from time to time to sell and issue interest-bearing warrants of such county for the purpose of paying costs to that county of erecting necessary public buildings, bridges and roads in such county. Such warrants may be in such denomination or denominations, may have such maturity or maturities not exceeding 30 years from their date, may bear interest from their date at such rate or rates payable at such times, may be payable at such place or places within or without the state, may be sold at such time or times and in such manner, whether publicly or privately, may be executed in such manner, and may contain such terms not in conflict with the provisions of this act, all as the governing body of such county may provide in the proceedings wherein the warrants are authorized to be issued. All such warrants shall evidence general obligation indebtedness of the county by which they are issued, and the full faith and credit of the county shall be irrevocably pledged for the payment of the principal thereof and interest thereon. The proceeds derived from the sale of any such warrants shall be used solely for the purpose for which they are authorized to be issued, including the payment of any expenses incurred in connection with the issuance thereof.

**Section 3. Special Pledges.** The governing body of the county issuing any such warrants may, in its discretion assign and specially pledge, for the payment of the principal of and interest on such warrants, so much as may be necessary for said payment of any one or more of the following (or any part thereof):

(a) the proceeds from the general annual ad valorem tax which the county is authorized to levy without reference to the purpose thereof under the provisions of Section 215 of the Constitution of Alabama of 1901;

(b) the proceeds from the ad valorem tax which the county is authorized to levy under the provisions of Section 215 of the said constitution for the purpose of paying any debt or liability created for the erection of necessary public buildings, bridges or roads; and

(c) the proceeds from any other tax (including any ad valorem tax and any privilege, license or excise tax) that at the time of the issuance of the said warrants may lawfully be used by the county for the payment of such principal and interest.

To the extent necessary and sufficient for making the payments in respect of which such pledge is made, any tax pledged pursuant to the provisions of this section shall constitute a trust fund or funds which shall be impressed with a lien in favor of the holders of the warrants to the payment of which such sums are pledged. In the event that more than one pledge should be made with respect to any tax the pledge of which is herein authorized, then such pledges shall take precedence in the order in which they are made unless the proceedings making such pledge shall expressly provide that such pledge shall be on a parity with or subordinate to a subsequent pledge of the said tax. All warrants for which the pledge authorized in this section may be made shall constitute preferred claims against that portion of the said tax or taxes so pledged, and shall have preference over any claims for any other purpose whatsoever.

**Section 4.** Authorization of Refunding Warrants. Each such county may in like manner from time to time issue refunding warrants, either by sale or by exchange, for the purpose of refunding a like or greater principal amount of warrants then outstanding which were issued under the provisions of this act and the interest thereon and paying any premium necessary to be paid to retire the outstanding warrants refunded thereby and the expenses estimated to be incurred by such county in connection with the sale and issuance of such refunding warrants. The provisions of this act applicable to the warrants so refunded shall likewise be applicable to such refunding warrants.

**Section 5.** Warrants to be Legal Investments for Trust Funds. Unless otherwise directed by the court having jurisdiction thereof, or by the document that is the source of authority, a trustee, executor, administrator, guardian, or one acting in any other fiduciary capacity may, in addition to any other investment powers, invest trust funds in warrants issued under the provisions of this act.



**Section 6.** Issuance of Warrants Deemed to Constitute Audit and Allowance of Claim. The issuance of warrants and any interest coupons applicable thereto, pursuant to the provisions of this act and in accordance with the authorization of the governing body of the county issuing such warrants, shall be deemed to constitute an audit and allowance by such governing body of a claim, in the aggregate principal amount of such warrants and interest coupons, against the county and against any tax proceeds and any revenues, or either thereof, pledged for payment of such warrants pursuant to the provisions of this act. No proof of registration or other audit or allowance of such claim shall be required and such warrants and interest coupons shall, from and after the date of their lawful issuance, be deemed to be allowed claims against the county by which they were issued and against any tax proceeds so pledged therefor.

**Section 7.** Provisions Hereof Control. Insofar as the provisions of this act may be inconsistent with the provisions of any other law, the provisions of this act shall control, it being hereby specifically declared that the provisions of Section 11-9-10 of the Code of Alabama of 1975 shall not be applicable to the warrants issued under the provisions of this act.

**Section 8.** Severability. If any clause or provision of this act shall be, or be declared to be, invalid, any such invalidity shall not affect any other clause or provision hereof that is not in itself invalid.

**Section 9.** Effective Date. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved August 17, 1982

Time: 3:00 P.M.

Act No. 82-899

S. 51—Messrs. Kirkland and Holmes

### AN ACT

To amend Section 9-13-11, Code of Alabama 1975, which relates to the willful and malicious burning of woodlands, so as to provide further for the definition of paraphernalia used in arson.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 9-13-11, Code of Alabama 1975, is hereby amended to read as follows:

“Section 9-13-11.

“(a) It shall be a Class C felony for every person, firm, association or corporation who:

“(1) Willfully, maliciously or intentionally burns, sets fire to, or causes to be burned or any fire to be set to any forest, grass, woodlands, or other inflammable vegetation on any lands not owned, leased, controlled, or in the lawful possession of the person, firm, association or corporation setting such fire or burning such lands or causing such fire to be set or lands to be burned.

“(2) Shall have in his possession or shall set, throw or place any device, instrument or paraphernalia so designed, constructed, or adapted to cause a fire in or adjacent to any forest, grass, woodlands or other inflammable vegetation, which forest, grass, woodland or other inflammable vegetation is not owned, leased, controlled or in the lawful possession of the person possessing such device, instrument or paraphernalia;

“(b) It shall be a Class B misdemeanor for any person, firm, association or corporation:

“(1) Who allows a fire to escape from land owned, leased or controlled by him, whereby any property of another is injured or destroyed;

“(2) Who shall burn any brush, stumps, logs, rubbish, fallen timber, grass, stubble or debris of any sort, whether on one's own land or that of another, without taking reasonably necessary precautions, both before lighting the fire and all times thereafter to prevent the escape thereof;

“(3) Who shall set fire to any brush, stumps, logs, rubbish, fallen timber, grass, stubble or debris of any sort within or near any forest or woodland, unless the area surrounding said material to be burned shall be cleared of all inflammable material for a reasonably safe distance in all directions and maintained free of all inflammable material so long as such fire shall continue to burn;

“(4) Who shall set a fire within or near any forest, woodland or grassland without clearing the ground immediately around it free from material which will carry fire, or shall leave such fire before it is totally extinguished or start a fire in any forest, woodland or grassland by throwing away a lighted cigar, cigarette, match or by the use of firearms or in any other manner and leave the same unextinguished;

“(5) Who shall destroy, remove, injure or deface any fire warning or notices or deface any inscription or devices comprising such notices;

“(6) Who shall burn any new ground, field, grasslands, or woodlands, adjoining woodlands or grasslands of another within any area which has been placed under organized forest fire protection by the state forestry commission without first obtaining verbal authorization from the state forestry commission by obtaining a burning permit number.

“(c) (1) Burning permits may be obtained from the district operations center when the center is in active operation. The following criteria must be met:

“a. The person requesting the permit must have adequate tools, equipment and manpower to stay with and control the fire during the entire burning period.

“b. The person requesting the permit is responsible to keep the fire confined.

“c. In no case will the person requesting the permit allow the fire to be unattended until it is dead out.

“(2) Burning permits will be issued if the individual requesting the permit states that the above criteria will be met unless the state forester shall declare a fire alert. Under fire alert conditions the state forester may allow issuance of permits at his discretion, taking into account the number of fires burning in the district, current and projected weather conditions, the ability of the person seeking the permit to contain the fire and that individual's knowledge of fire behavior and other factors which may affect fires and fire behavior. A fire alert will be issued by the state forester for any district or portion of a district that in the opinion of the state forester, has existing conditions which produce extraordinary danger from fire.

“(3) If subsequent to issuance of a permit a lawfully authorized fire escapes to the lands of another and an investigation reveals that the permit holder did not meet all the criteria as set forth above, the fire will be treated as if no legal authorization had been obtained.

“(4) A burning permit once issued may be revoked if the person requesting the permit fails to comply with proper burning procedures or if weather conditions develop which may result in erratic fire behavior.

“(d) An area shall be deemed legally placed under organized forest fire protection by the state forestry commission of the state of Alabama upon proclamation of the state forester. Such proclamation shall describe the lands placed in said area and shall be published once a week for two consecutive weeks in a newspaper published in the county where the lands composing said area are located. If there are no newspapers published in the county where said lands are lo-

cated, then said proclamation shall be published in a newspaper of an adjoining county. In the event the lands composing said area are located in more than one county, such proclamation shall be so published in a newspaper in each county where said lands are located. Beginning with the twelfth day after the first publication of said proclamation in said newspaper or newspapers, the lands described in the proclamation shall be deemed in an area under organized forest fire protection. Upon the trial of any person, firm or corporation for the violation of any provision of this section, a certified copy of said proclamation executed by the state forester shall be admissible in evidence and shall be conclusive evidence of the fact that the lands described in said proclamation constitute an area under organized forest fire protection within the meaning of this section.

“(e) All moneys collected for any violation of this section as fines, forfeitures, etc., shall go to the Alabama forestry commission fund and shall be used in defraying the expense of the administration of such state forestry commission.”

**Section 2.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 22, 1982

Time: 5:00 P.M.

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Act No. 82-900

S.J.R. 20—Mr. Hall

### SENATE JOINT RESOLUTION

#### COMMENDING THE PINSON HUMAN RESOURCE CENTER GYMNASTICS TEAM.

WHEREAS, it is to be noted with commendation that the Pinson Human Resource Center Gymnastics Team of Pinson, Alabama, has been invited to perform at the World's Fair, and is the only team from Alabama to be so honored; and

WHEREAS, coached by Mr. Wayne Stough, who is an employee of the Alabama State Highway Department, the Pinson community team will perform twice daily at the exposition's U. S. Pavillion from September 12-15, 1982; and

WHEREAS, the team, which is often referred to as “Wayne's Angels,” has been practicing diligently for their performances under Mr. Stough who, in addition to team coach, is gymnastic instructor for the HRC program in Pinson; and

WHEREAS, though numerous obstacles have had to be faced since the team's invitation was issued this past Fall, "Wayne's Angels" are now confident that the necessary funds will soon be available, as well as accommodations and other necessities for a successful appearance as Alabama's representatives to the World's Fair; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Coach Wayne Stough and his award-winning gymnastics team of 25 talented young ladies, our State's Ambassadors to the World's Fair in Knoxville, Tennessee.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Coach Stough, on behalf of his "Angels," and in token of our warm best wishes for every future success.

Approved August 22, 1982

Time: 5:00 P.M.

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Act No. 82-901

S.J.R. 28—Mr. Little

### SENATE JOINT RESOLUTION

MOURNING THE DEATH OF MR. HAROLD LEE JOHNSON OF REELTOWN, ALABAMA,

WHEREAS, the Alabama Senate notes with deep sadness and regrets the death of Mr. Harold Lee Johnson of Reeltown, Alabama, on July 8, 1982, at the age of 61 years, and

WHEREAS, Mr. Johnson, who was a native of Reeltown, Alabama, was one of the state's most active and aggressive agricultural leaders. He served as president of the Alabama Cattlemen's Association in 1971, following service as a state director and as vice president of ACA; and

WHEREAS, Mr. Johnson was instrumental in organizing the Alabama Cattle Marketing Association, and served as the first president of the Southeast Alabama Cattle Marketing Association; and

WHEREAS, Mr. Johnson's farm won the Goodyear Award as the Outstanding Conservation Farm in the state in 1956; now, therefore,

BE IT RESOLVED BY THE ALABAMA SENATE, That we grievously mourn the death of Harold Johnson of Reeltown, Alabama, and extend our deep and sincere sympathy to his wife, Ruth Belyeu;

his children, JoAnn, Randall and John, for whom a copy of this resolution shall be provided.

Approved August 22, 1982

Time: 5:00 P.M.

Act No. 82-902

S.J.R. 33—Mr. Bailey

### SENATE JOINT RESOLUTION

COMMENDING THE OFFICERS AND EMPLOYEES OF THE FARLEY NUCLEAR ENERGY PLANT ON SETTING THE NATIONAL RECORD OF UNINTERRUPTED SERVICE BY UNIT 2.

WHEREAS, the Alabama Legislature notes that during the first year of on-line operation Unit 2 of Farley Nuclear Plant of Alabama Power Company, Dothan, Alabama, set the national record for uninterrupted service for comparable existing first-year on-line reactor plants and even exceeded the national record held by Farley Nuclear Energy Plant Unit 1, a twin to this unit; and

WHEREAS, the outstanding performance of Farley Nuclear Unit 2 far exceeded the national average operation of 75% by 15% for a total of 90% production on-line, and such on-line production of the \$1.5 billion plant is equal to 860 megawatts of electricity which greatly reduced the fuel energy costs for all Alabama residents of the Alabama Power Company; and

WHEREAS, Mr. R. Patrick McDonald, Vice President of the Nuclear Generation Department of Alabama Power Company, brought considerable expertise to the operations of this nuclear reactor plant, having a distinguished naval career serving in the United States Navy's Nuclear Submarine Program and under Admiral Hyman George Rickover, and retiring as Captain of the United States Navy; and

WHEREAS, Mr. George Hariston, a native Alabamian and Dothan resident, and a graduate of Auburn University and Georgia Tech, is the Plant Manager of Farley Nuclear Energy Plant who is a dedicated engineer; and

WHEREAS, the dedicated and skilled six hundred eighty-five employees of the Farley Nuclear Energy Plant who are responsible for the efficient day-to-day on-line production and their performance has excelled the most optimistic estimations; and

WHEREAS, the dedication, skill and cost-awareness of these

officers and employees of Farley Nuclear Energy Plant are responsible for reducing the energy fuel cost charge for Alabama citizens; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we do highly commend and congratulate the officers, plant manager and employees of Farley Nuclear Energy Plant, Dothan, Alabama, and we do direct that copies of this resolution be sent to Mr. R. Patrick McDonald, Mr. George Hariston, and a copy appropriate for display, as a token of our appreciation to these officials and employees for serving our citizens so efficiently.

Approved August 22, 1982

Time: 5:00 P.M.

Act No. 82-903

H. 111—Reps. Smith (J), Bennett, Bedsole,  
Clark (G)

### AN ACT

To provide for the joinder of offenses, both misdemeanors and felonies, in an indictment, information or complaint in specified circumstances; to provide that two or more offenses may not be joined in the same count; to provide that two or more defendants, who are charged with certain specified offenses, may be charged in the same indictment, information, or complaint in specified circumstances; to provide the courts discretion to order charges tried together if the offenses or defendants could have been joined in a single indictment, information or complaint; to provide that offenses and defendants joined in the same indictment, information or complaint shall be jointly tried unless severed as provided in this Act; to provide for the sentencing of a defendant convicted of offenses tried jointly; to provide for severance of defendants or election or separate trials of counts under certain circumstances; to provide a minimum number of jurors from which a jury may be struck in cases where two or more persons are tried jointly and to provide a method for striking a jury in such cases; to provide for the order of opening statements and closing arguments when two or more defendants are tried jointly; to repeal Sections 12-16-101, 15-8-52 and 15-14-20, Code of Alabama 1975; to provide for severability of provisions of this act; to provide an effective date; and to specify the cases to which this act applies.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** (a) Two or more offenses may be joined in an indictment, information or complaint, if they: (i) are of the same or similar character; or (ii) are based on the same conduct or are otherwise connected together in their commission; or (iii) are alleged to have been part of a common scheme or plan.

(b) Felonies and/or misdemeanors may be joined in the same indictment; provided that not more than one offense shall be stated in each count.

(c) If a defendant has been charged in separate proceedings, the court, on its own initiative or on motion of either party, may order, but not later than seven days prior to trial, that the charges be tried together if the offenses could have been joined in a single indictment, information or complaint. Proceedings thereafter shall be the same as if the prosecution initially were under a single indictment, information or complaint. Provided, further, that the court shall not order the offenses to be tried together without first providing the defendant and the prosecution with an opportunity to be heard.

(d) Offenses joined in the same indictment, information or complaint shall be jointly tried unless severed as provided in the following sections. The fact that offenses are jointly tried shall not affect the court's right to sentence separately each offense for which the defendant is convicted and to provide that each sentence shall run concurrently or consecutively the same as if the defendant had been tried separately for each offense.

(e) If it appears that a defendant or the state is prejudiced, to the extent that a fair trial cannot be afforded, by a joinder of offenses in an indictment, information or complaint or for trial as provided in this Act, or if it appears that a defendant's right to a speedy trial will be jeopardized by joinder, the court may order an election or separate trials of counts or charges or provide whatever relief justice may require. Provided however, regardless of the circumstances the court may also order election or separate trials of counts or charges if the parties agree thereto.

(f) A defendant's motion to sever offenses in the circuit court must be made not more than seven days after arraignment or after the filing of a written plea of not guilty prior to trial; in other courts such motion must be made not more than seven days after the filing of the charges. If a ground which was not previously known, and which could not have been discovered previously through the exercise of due diligence, or during trial, the defendant must move for a severance of counts at the earliest opportunity. Severance is waived if proper motion is not timely made.

(g) No severance of offenses may be ordered after trial has commenced unless the defendant consents or unless a mistrial has been properly declared as to the offenses to be severed. Severance of offenses during trial on motion of defendant or with defendant's consent shall not bar a subsequent trial of that defendant on the offenses severed.



**Section 2.** (a) Two or more defendants who are charged with a crime or crimes involving the possession, distribution, or manufacture of drugs, or with a violent crime or crimes, or with soliciting, conspiring, or attempting to commit a crime or crimes involving the possession, distribution, or manufacture of drugs, or to commit a violent crime or crimes may be charged in the same indictment, information or complaint if: (1) they are alleged to have participated in the same act or transaction, or (2) when several offenses are a part of common conspiracy, scheme or plan, or (3) when several offenses are so closely connected that it would be difficult to separate the proof of one from the proof of the other. For purposes of this section, the term "violent crime" shall be defined to include any crime which involves a capital offense, murder, first degree assault, kidnapping, rape, or robbery.

(b) Such defendants may be charged in one or more counts together or separately, and all of the defendants need not be charged in each count.

(c) If the defendants are charged in separate proceedings, the court, on its own initiative or on motion of any party, may order, but not later than seven days prior to trial, that the defendants be joined for the purposes of trial. Proceedings hereafter shall be the same as if the prosecution initially was under a single indictment, information or complaint. Provided, further, the court shall not order the defendants to be tried together without first providing the defendants and the prosecution with an opportunity to be heard.

(d) Defendants joined in the same indictment, information or complaint shall be jointly tried unless severed as provided in Subsection (e) of this section.

(e) If it appears that a defendant or the State is prejudiced, to the extent that a fair trial cannot be afforded, by a joinder of defendants in an indictment, information or complaint or for trial as provided in this Act, or if it appears that a defendant's right to a speedy trial will be jeopardized by joinder, the court may, after a hearing with reasonable notice to the parties, order separate trials or provide whatever other relief justice requires. Provided however, regardless of the circumstances the court may also order separate trials if all the parties agree thereto.

(f) In ruling on a motion by a defendant for a severance, the court may order the District Attorney or other prosecuting attorney to deliver to the court for inspection by the court and all parties any statements or confessions made by the defendants.

(g) A defendant's motion to sever in the circuit court must be made not more than seven days after arraignment or after the filing

of a written plea of not guilty prior to trial; in other courts such motion must be made not more than seven days after the filing of the charge or charges. If a ground which was not previously known, and which could not have been discovered previously through the exercise of due diligence, arises thereafter or during the trial, the defendant must move for severance at the earliest opportunity. Severance is waived if the proper motion is not timely made.

(h) No severance of the defendants may be ordered after trial has commenced unless the defendants consent or unless a mistrial has been declared as to the defendants to be severed. Severance of offenses during trial upon motion of the defendant or with the defendant's consent shall not bar a subsequent trial of that defendant on the offenses severed.

**Section 5.** Sections 12-16-101, 15-8-52, and 15-14-20, Code of Alabama 1975, are hereby expressly repealed. Other laws inconsistent with the provisions of this Act are hereby repealed.

**Section 6.** The provisions of this Act are severable. If any portion of this Act shall be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the remaining portions of this Act.

**Section 7.** The provisions of this Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law, and shall apply to all cases tried after its effective date.

Approved August 22, 1982

Time: 5:00 P.M.

Act No. 82-904

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S.J.R. 37—Messrs. Martin, Bailey, Britnell,  
Callahan, Cook, deGraffenried,  
Denton, Figures, Glass, Goodwin,  
Gulledge, Hall, Harrison,  
Higginbotham, Hilliard, Holmes,  
Keener, Lemaster, Little,  
McDonald, Miller, Mitchem,  
Parsons, Pearson, Proctor,  
Robertson, St. John, Smith,  
Taylor, Teague (B), Teague (J),  
Vacca, Weeks and White

RECOGNIZING SENATOR REO KIRKLAND, JR., OF BREWTON AND REPRESENTATIVE JAMES E. WARREN OF CASTLEBERRY FOR THEIR EFFORTS ON ALABAMA'S FORESTRY STUDY COMMITTEE.

WHEREAS, Act No. 79-711 of the Alabama Legislature charged the Forestry Study Committee, which it created, with the responsibility of identifying, studying, and making a needs assessment of all facets of Alabama's forestry program, and

WHEREAS, this Legislative Study Committee, under the able leadership of Senator Reo Kirkland, Jr., of Brewton, as its chairman, and Representative James E. Warren, of Castleberry, as its vice-chairman, has developed meaningful goals which are related to the charter in the legislation, and

WHEREAS, this committee has faithfully discharged its duties and its legislative responsibilities including publication of indepth reports and dissemination of its findings to the public, in the interest of the protection and development of Alabama's great forest resource.

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we commend Senator Kirkland and Representative Warren, and every member of the Legislative Forestry Study Committee, for their untiring efforts in ensuring that our forestry program meets the needs of the people and that our people meet the needs of forestry in Alabama.

BE IT FURTHER RESOLVED, that Senator Kirkland and Representative Warren receive a copy of this resolution as an expression of our sentiments for their diligent leadership.

Approved August 22, 1982

Time: 5:00 P.M.

**OFFICIALS OF THE STATE OF ALABAMA — 1982**

Address all State Officials, Montgomery, Alabama 36130,  
unless otherwise noted

**FOB JAMES, Governor**

<i>Lieutenant Governor</i> .....	832-3492
George McMillan	
<i>Attorney General</i> .....	834-5150
Charles A. Graddick	
<i>State Auditor</i> .....	832-3576
Bettye Frink	
<i>Secretary of State</i> .....	832-3570
Don Siegelman	
<i>State Treasurer</i> .....	832-3590
Annie Laurie Gunter	
<i>Superintendent of Education</i> .....	832-3316
Dr. Wayne Teague	
<i>Commissioner of Agriculture and Industries</i> .....	832-6693
McMillan Lane	
<i>State Board of Education</i> .....	832-3316
1st District .....	John M. Tyson, Jr.
2nd District .....	Ron Creel
3rd District .....	Mrs. S. A. Cherry
4th District .....	Ralph D. Higginbotham
5th District .....	Victor P. Poole
6th District .....	Harold C. Martin
7th District .....	James Allen, Jr.
8th District .....	Roscoe Roberts, Jr.
<i>Adjustment, State Board of</i>	
Don Siegelman .....	<i>Secretary of State</i>
Bettye Frink .....	<i>State Auditor</i>
Annie Laurie Gunter .....	<i>State Treasurer</i>
Rex Rainer .....	<i>Director of Finance</i>
<i>Adjutant General</i> .....	272-6450
Major-Gen. Henry H. Cobb, Jr.	
<i>Aging, Commission on</i> .....	832-6640
Kay Kelley .....	<i>Executive Director</i>
<i>Agriculture and Industries, State Dept. of</i> .....	832-6693
McMillan Lane .....	<i>Commissioner</i>

**OFFICIALS OF THE STATE OF ALABAMA – Continued**

W. Comer Sims .....	<i>Assistant Commissioner</i>	
Charles H. Barnes .....	<i>General Counsel</i>	
Ms. Effie Rushton .....	<i>Chief Accountant</i>	
Don E. Stagg .....	<i>Chief Div., Gins and Warehouses, and Weights and Measures</i>	
Robert G. Dekle .....	<i>Dir. Petroleum Commodities</i>	
Dr. John A. Bloch .....	<i>Director - Div. of Plant Plant Industry and Agricultural Chemistry</i>	
Pyron Keener .....	<i>Chief Director Poultry Section</i>	
Gurnia Moore .....	<i>Chief Seed Analyst</i>	
James Burnett .....	<i>Chief Shipping Point Inspection</i>	
Dr. J. Lee Alley .....	<i>Director, Animal Industry Division</i>	
Dr. J. Lee Alley .....	<i>State Veterinarian</i>	
T. O. Smith .....	<i>General Services Div.</i>	
Lamar Harden .....	<i>Chief Livestock Market News Div.</i>	
Dennis Findley .....	<i>Chief Statistical Div.</i>	
W. F. Hines .....	<i>Assistant - Agricultural Chemistry Lab, Montgomery</i>	
John Dewey Jinks .....	<i>Dir. Chemical Lab, Auburn</i>	
Patrick Morgan .....	<i>Dir. Pesticide Lab, Auburn</i>	
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<i>Agricultural Center Board</i> .....		832-6631
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L. T. Farris .....	<i>Coliseum Manager</i>	
<i>Aeronautics, Alabama Department of</i> .....		832-6290
James Rowe .....	<i>Director</i>	
<i>Alabama Development Office</i> .....		832-6980
Reuben C. Finnery .....	<i>Director</i>	
<i>Alcoholic Beverage Control Board, Alabama</i> .....		832-6186
John M. Harbert III .....	<i>Chairman, Birmingham</i>	
<i>Board Members:</i>		
John Blue III .....	<i>Huntsville</i>	
Frieda Coggin .....	<i>Gulf Shores</i>	
Jim DeBardelaben .....	<i>Legal Counsel for Board</i>	
<i>Alabama Law Enforcement Planning Agency</i> .....		832-6830
Robert G. "Bo" Davis .....	<i>Director</i>	
<i>Architects, State Board for Registration of</i> .....		832-3684
	115 So. Court St.	
Jim H. Seay .....	<i>Secretary</i>	
<i>Archives and History, Department of</i> .....		832-6510
Robert A. Cason .....	<i>Acting Director</i>	

**OFFICIALS OF THE STATE OF ALABAMA – Continued**

<i>Arts and Humanities, Council on the</i> .....	832-6758
M. J. Zakrzewski.....	<i>Director</i>
<i>Athletic Assn., Alabama</i> .....	832-3330
Herman L. (Bubba) Scott.....	<i>Executive Director</i>
<i>Auctioneers, Board of</i> .....	739-0548
209 Downtown Plaza, Cullman, Al. 35055	
Mrs. Patricia Reed .....	<i>Executive Secretary</i>
<i>Bar Association, Alabama State</i> .....	269-1515
Reginald T. Hamner .....	<i>Executive Director</i>
415 Dexter Ave., Montgomery, Al.	
<i>Banking, State Department of</i> .....	832-6255
Kenneth R. McCartha .....	<i>Superintendent of Banks</i>
Frank J. Arrington .....	<i>Asst. Supt. of Banks</i>
<i>Budget Officer</i> .....	832-3605
Rebecca B. Beasley .....	
<i>Building Commission, State</i> .....	832-3404
Phillip Fretwell .....	<i>Director</i>
<i>Buildings, State</i> .....	832-3445
Administrative Building .....	H. A. Brooks, <i>Custodian</i>
Archives and History Building .....	Edward Ross, <i>Custodian</i>
Capitol Building .....	Norman V. Anderson, <i>Custodian</i>
Highway Building .....	James P. Howard, <i>Custodian</i>
Industrial Relations Building .....	Bob Boutwell, <i>Custodian</i>
Judicial Building .....	Ellis Moore, <i>Custodian</i>
Public Safety Building .....	E. J. Kelley, <i>Custodian</i>
State Office Building .....	V. M. Sellers, <i>Custodian</i>
<i>Chiropractic Examiners, State Board of</i> .....	947-5838
Douglas K. Cooper .....	<i>Executive Secretary</i>
P. O. Box 3607, Robertsedale, Al. 36567	
<i>Civil Defense Agency</i> .....	832-5700
Sam B. Sloan, III .....	<i>Director</i>
<i>Coliseum, State</i> .....	832-6631
Leroy Jones .....	<i>Superintendent</i>
L. T. Farris .....	<i>Coliseum Manager</i>
<i>Comptroller, State</i> .....	832-3561
Tom Brassell.....	
<i>Conservation and Natural Resources, Dept. of</i> .....	832-6361
John M. McMillan, Jr. ....	<i>Commissioner</i>

**OFFICIALS OF THE STATE OF ALABAMA – Continued**

Gary J. Beers.....	<i>Executive Assistant Commissioner</i>	
Charles D. Kelley.....	<i>Director, Div. of Game and Fish</i>	
Bob Macrory.....	<i>Director, Div. of State Lands</i>	
William B. Garner.....	<i>Director, Div. of Marine Police</i>	
Hugh Swingle.....	<i>Director, Div. of Marine Resources</i>	
Jim Pugh.....	<i>Plans and Programs</i>	
Gary J. Beers.....	<i>Acting Director, Parks Div.</i>	
Curtis Parrish.....	<i>Auditor</i>	
<i>Consumer Protection, Department of</i> .....		832-5936
Fincher Allen.....	<i>Director</i>	
<i>Contractors, State Licensing Board of General</i> .....		832-6204
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<i>Corrections, Board of</i> .....		832-6800
Joseph Hopper.....	<i>Commissioner</i>	
<i>Cosmetology, State Board of</i> .....		832-5074
Mrs. Billie K. Jehle.....	<i>Executive Secretary</i>	
<i>Court Management</i> .....		834-7990
Allen Tapley.....	<i>Administrative Director of Courts</i>	
<i>Dairy Commission</i> .....		832-3775
J. R. Stevenson.....	<i>Dairy Commission Acting Executive Secretary</i>	
<i>Dental Examiners, Board of</i> .....		533-4638
Dr. William Richard Hale.....	<i>Secretary-Treasurer</i>	
2308 B Starmount Circle, Huntsville, Al. 35801		
<i>Docks Department, State</i> .....		690-6112
Robert M. Hope.....	<i>Director</i>	
P. O. Box 1588, Mobile, Al. 36633		
<i>Education, State Department of</i> .....		832-3316
Dr. Wayne Teague.....	<i>Superintendent of Education</i>	
Dr. Erskine S. Murray.....	<i>Assistant Superintendent</i>	
Dr. C. C. Baker.....	<i>Assistant Superintendent</i>	
Jimmy H. Baker.....	<i>Assistant Supt. of Admn. and</i>	
	<i>Financial Services</i>	
Dr. W. C. Berryman.....	<i>Director of Instruction</i>	
Dr. T. Robert Carter.....	<i>Director, Voc. Education</i>	
Bill Cowen.....	<i>Director, Rehabilitation and</i>	
	<i>Crippled Children</i>	
A. Lane Brislin.....	<i>Business Manager</i>	
N. J. Kitchens.....	<i>State Agency for Federal</i>	
	<i>Property Assistance</i>	
P. O. Box 1100, Gadsden, Al. 35902		

**OFFICIALS OF THE STATE OF ALABAMA – Continued**

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Dr. John A. Shelton .....	<i>Director, Division of Disability Determination Services</i>	
Dr. Eldon D. Johnson .....	<i>Director, Research Planning and Information</i>	
Charles S. Coody .....	<i>Director, Division of Legal Services</i>	
<i>Employees' Retirement System of Alabama</i> .....		832-4140
David G. Bronner .....	<i>Secretary-Treasurer</i>	
<i>Energy, Alabama Department of</i> .....		832-5010
Jack E. Ravan .....	<i>Director</i>	
<i>Engineers and Land Surveyors, State Board of Registration for Professional</i> .....		832-6100
Sarah E. Hines .....	<i>Executive Secretary</i>	
<i>Entomologists, Horticulturists, Floriculturists and Tree Surgeons, Board to Examine</i> .....		832-3753
McMillan Lane .....	<i>Chairman</i>	
<i>Ethics Commission</i> .....		832-5871
Melvin G. Cooper .....	<i>Director</i>	
<i>Examiners of Public Accounts, Dept., of</i> .....		832-6625
W. W. Dillard, Jr. ....	<i>Chief Examiner</i>	
<i>Executive Department, Governor's Office</i> .....		832-3511
Fob James .....	<i>Governor</i>	
Bobby Davis .....	<i>State Administrative Officer</i>	
William J. Samford, Jr. ....	<i>Legal Advisor</i>	
Winston J. Leavell .....	<i>Press Secretary</i>	
Francee Moore .....	<i>Recording Secretary</i>	
<i>Farmers' Market Authority</i> .....		832-3734
William M. Arrington .....	<i>Administrator</i>	
<i>Finance Department</i> .....		832-3601
Rex Rainer .....	<i>Director</i>	
Ray Wells .....	<i>Assistant Director</i>	
Howard L. White, Jr. ....	<i>Purchasing Agent</i>	
Tom Brassell .....	<i>State Comptroller</i>	
Rebecca Beasley .....	<i>Budget Officer</i>	
Jerry Weidler .....	<i>Legal Counsel</i>	
Don Drablos .....	<i>Chief, Division of Service</i>	
Thomas David Weston .....	<i>Manager, Insurance Fund</i>	
James H. Rowell .....	<i>Data Systems Management Division</i>	
Mickey McGee .....	<i>Personnel Officer</i>	
Lee Cate .....	<i>Printing and Publication Division</i>	



**OFFICIALS OF THE STATE OF ALABAMA – Continued**

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Roy L. Thornell .....	
<i>Forensic Sciences, Dept. of</i> .....	887-7001
Carlos L. Rabren .....	<i>Director</i>
P. O. Box 231, Auburn, Al. 36830	
<i>Forestry Commission, Alabama</i> .....	832-6587
Cecil W. Moody .....	<i>State Forester</i>
<i>Foresters, State Board of Registration For</i> .....	832-6588
Robert M. Nonnemacher .....	<i>Chairman</i>
Chas. E. Tomlinson .....	<i>Secretary</i>
Pamela B. Sears .....	<i>Office Manager</i>
<i>Funeral Services, Board of</i> .....	832-6974
Wayne Thorn .....	<i>Executive Secretary</i>
<i>Geological Survey of Alabama</i> .....	349-2852
Richard Raymond .....	<i>Acting State Geologist</i>
P. O. Drawer O, University of Alabama 35486	
<i>Health, Department of Public</i> .....	832-3120
Dr. Ira L. Myers .....	<i>State Health Officer</i>
Dr. Beverly Boyd .....	<i>Asst. Health Officer</i>
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<i>Highway Patrol (See Public Safety)</i>	
<i>Highway Traffic Safety</i> .....	832-5973
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<i>Historical Commission, Alabama</i> .....	832-6621
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James Hollon .....	<i>Director, Unemployment Compensation Division</i>
Jerry Scharf .....	<i>Chief of Safety and Inspection Division</i>
Clifford DePriest .....	<i>Assistant Employment Service Director</i>
James Cogdell .....	<i>Deputy State Programs Administrator</i>
Robert E. Weller .....	<i>State Programs Administrator</i>
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Grady Simpson .....	<i>Departmental Investigation and Grievance Office</i>
Joyce Murphree .....	<i>Public Information Officer</i>
George Register .....	<i>Manager, Employer Relations and Placement Operation</i>
Decker Terry .....	<i>Data Center Manager</i>
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<i>Labor, Department of</i> .....	832-6270
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<i>Unemployment Compensation Division (See</i> <i>Department of Industrial Relations)</i>	
<i>Veterans Affairs, State Department of</i> .....	832-3163
Roy C. McGinnis .....	<i>Director</i>

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First White House of the Confederacy .....	
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<i>Presiding Judge</i>	
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<i>Judge</i>	
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<i>Judge</i>	
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<i>Judge</i>	

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The Honorable L. Charles Wright .....	832-6417
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The Honorable Robert P. Bradley .....	832-6421
<i>Judge</i>	
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Judicial Building	
Montgomery, Al. 36130	
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<i>Clerk, Court of Criminal Appeals</i>	
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*President* ..... Harold Wade***WALLACE, GEORGE C., STATE COMMUNITY COLLEGE***

Dothan, Al. 36301

Telephone 983-3521

*President* ..... Nathan L. Hodges, Ed.D.***WALLACE, GEORGE C., STATE COMM. COL. – TECHNICAL  
BRANCH***

Dothan, Al. 36301

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*President* ..... Nathan L. Hodges, Ed.D.***WALLACE, GEORGE C., STATE COMMUNITY COLLEGE***

Post Office Box 250

Hanceville, Al. 35077

Telephone 352-6403

*President* ..... James C. Bailey***WALLACE, GEORGE C., STATE COMM. COL. – TECHNICAL  
BRANCH***

Post Office Box 250

Hanceville, Al. 35077

Telephone 352-6403

*President* ..... James C. Bailey***WALLACE, GEORGE CORLEY,  
STATE COMMUNITY COLLEGE***

**STATE UNIVERSITIES – Continued**

Hwy. 22 North & Range Line Road  
 Post Office Drawer, 1049  
 Selma, Al. 36701  
 Telephone 875-2634

*President* ..... Charles L. Byrd  
**WALLACE, GEORGE CORLEY, STATE COMM. COL. – TECH.  
 BRANCH**

Hwy. 22 North & Range Line Road  
 Post Office Drawer 1049  
 Selma, Al. 36701  
 Telephone 875-2634

*President* ..... Charles L. Byrd  
**WALLACE, LURLEEN B., STATE JUNIOR COLLEGE**  
 U.S. Highway 84

Post Office Drawer 1418  
 Andalusia, Al. 36420  
 Telephone 222-6591

*President* ..... William H. McWhorter, Ed.D.

**STATE SPECIAL SCHOOLS****ALABAMA INSTITUTE FOR DEAF AND BLIND**

P. O. Box 698  
 Talladega, Al. 35160  
 Telephone 362-1500

*President* ..... Jack Hawkins, Jr., Ph.D.

**ALABAMA SCHOOL OF FINE ARTS**

820 North 18th Street  
 Birmingham, Al. 35203  
 Telephone 252-9241

*Executive Director* ..... James R. Nelson  
**BREWER, ALBERT P., DEVELOPMENT CENTER**

P. O. Box 8467  
 Mobile, Al. 36608  
 Telephone 344-8640

*Director* ..... Lindsay W. Puckett

**BRYCE HOSPITAL**

Tuscaloosa, Al. 35401  
 Telephone 752-7411

*Superintendent* ..... Jaime E. Condom, M.D.

**EUFAULA ADOLESCENT ADJUSTMENT CENTER**

P. O. Box 270  
 Eufaula, Al. 36027  
 Telephone 687-5741

*Director* ..... Clifton D. Thomas, Jr. Ph.D.



**STATE SPECIAL SCHOOLS – Continued**  
**PARTLOW STATE SCHOOL AND HOSPITAL**

P. O. Box 1730  
 Tuscaloosa, Al. 35403  
 Telephone 553-4550

*Superintendent* ..... Robert D. Sanders, Ph.D.

**SEARCY HOSPITAL**

Mt. Vernon, Al. 36560  
 Telephone 829-9411

*Superintendent* ..... Jaime E. Condom, M.D.

**TARWATER, J. S., DEVELOPMENTAL CENTER**

U.S. 231, N., Hwy. 9  
 Wetumpka, Al. 36092  
 Telephone 567-8471

*Superintendent* ..... Joseph E. Hanna, Ph.D.

**THOMASVILLE ADULT ADJUSTMENT CENTER**

P. O. Box 309  
 Thomasville, Al. 36784  
 Telephone 636-5421

*Director* ..... Charles Wells

**WALLACE, LURLEEN B., DEVELOPMENT CENTER**

P. O. Box 2224  
 Decatur, Al. 35602  
 Telephone 355-6810

*Superintendent* ..... Dennis W. Griffith

**STATE CORRECTIVE SCHOOLS**

**ALA. DEPT. OF YOUTH SERVICES – ROEBUCK CAMPUS**

8950 Roebuck Blvd.  
 Birmingham, Al. 35206  
 Telephone 833-2361

*Administrator or Superintendent* ..... Dr. Lin Booth

**ALA. DEPT OF YOUTH SERVICES – CHALKVILLE CAMPUS**

Box 9486  
 Birmingham, Al. 35215  
 Telephone 681-8841

*Administrator or Superintendent* ..... Dr. Charles D. Burks

**ALA. YOUTH SERVICES – MT. MEIGS CAMPUS**

Mt. Meigs, Al. 36057  
 Telephone 272-9100

*Administrator or Superintendent* ..... Richard S. Jordan

*Note:* Mr. George Phyfer is the director of all Alabama Youth Services. His address and telephone number are as follows:

P. O. Box 66  
 Mt. Meigs, Al. 36057  
 Telephone 832-3910

**ROSTER OF THE  
SENATE OF ALABAMA  
1982**

GEORGE D. H. McMILLAN, JR., *Lieutenant Governor*  
State Capitol, Montgomery

FINIS ST. JOHN, *President Pro-Tem*  
Cullman

McDOWELL LEE, *Secretary*  
Montgomery

MRS. WILLIAM R. LAWLEY, JR., *Chief Clerk*  
Montgomery

*District No. 1*

Bobby Denton ..... 1st Colbert Nat'l Bank  
P. O. Drawer B, Sheffield 35660

*District No. 2*

Charlie Britnell ..... Northwest Alabama State  
Junior College, Phil Campbell 35851

*District No. 3*

Charles B. Martin ..... P. O. Box 2204, Decatur 35602

*District No. 4*

Finis St. John ..... P. O. Drawer K, Cullman 35055

*District No. 5*

Robert (Bob) Hall ..... 2601 Carson Road,  
Birmingham 35215

*District No. 6*

Albert McDonald ..... Route 1, Madison 35758

*District No. 7*

Bill Smith ..... 2009 Gallatin St. S.W.  
Huntsville 35801

*District No. 8*

James Lemaster ..... Route 2, Box 228, Scottsboro 35768

*District No. 9*

Hinton Mitchem ..... P. O. Box 297, Albertville 35950

*District No. 10*

Larry H. Kenner ..... 816 Chestnut St., Gadsden 35901

*District No. 11*

Dewey White ..... P. O. Box 7685A, Birmingham 35223

*District No. 12*

Paschal P. "Pat" Vacca ..... 1617 Mountain Dr.  
Tarrant 35217

*District No. 13*

J. Richmond Pearson ..... Citizens Federal Building,

# **ROSTER OF THE SENATE OF ALABAMA — Continued**

P. O. Box 11135, Birmingham 35202

## *District No. 14*

Mac Parsons ..... 603 City Federal Building,  
Birmingham 35203

## *District No. 15*

Earl F. Hilliard ..... P. O. Box 11385, Birmingham 35202

## *District No. 16*

Ryan deGraffenried, Jr. .... P. O. Box 2427,  
Tuscaloosa 35401

## *District No. 17*

Doug Cook ..... P. O. Box 6223-A, Tarrant 35217

## *District No. 18*

Lister Hill Proctor ..... 121 North Norton Ave.,  
Sylacauga 35150

## *District No. 19*

John A. Teague ..... P. O. Box 427, Childersburg 35044

## *District No. 20*

Donald G. Holmes ..... 1915 Robinhood Dr.,  
Oxford 36203

## *District No. 21*

T. D. "Ted" Little ..... P. O. Box 342, Auburn 36830

## *District No. 22*

G. J. "Dutch" Higginbotham .. Troy State University, Savage Drive,  
Phenix City 36867

## *District No. 23*

Mike Weeks ..... P. O. Box 322, Troy 36081

## *District No. 24*

Chip Bailey ..... P. O. Box 6791, Dothan 36302

## *District No. 25*

Wallace Miller ..... 100½ No. Main, Enterprise 36330

## *District No. 26*

Don Harrison ..... 516 S. Perry St., Montgomery 36104

## *District No. 27*

Barry Teague ..... P.O. Box 586, Montgomery 36101

## *District No. 28*

Cordy Taylor ..... P. O. Box 596, Prattville 36067

## *District No. 29*

Earl Goodwin ..... Rt. 7, Box 488, Selma 36701

## *District No. 30*

Edward D. "Big Ed" Robertson ..... P. O. Box 331, Northport 35476

## *District No. 31*

Reo Kirkland, Jr. .... P. O. Box 646, 102 St. Joseph,  
Brewton 36426

**ROSTER OF THE SENATE OF ALABAMA – Continued***District No. 32*

Robert I. "Bob" Gullledge ..... P. O. Drawer 3376,  
 Robertsdale 36567

*District No. 33*

Michael A. Figures ..... 1407 Davis Avenue, Mobile 36603

*District No. 34*

H. L. "Sonny" Callahan ..... P. O. Box 1208, Mobile 36601

*District No. 35*

Bob Glass ..... 733 Lakeshore Dr. W., Mobile 36609

**ROSTER OF THE  
 HOUSE OF REPRESENTATIVES  
 1982**

JOE C. McCORQUODALE, JR., *Speaker*, Jackson

RICHARD S. (RICK) MANLEY

*Speaker Pro-Tem*, Demopolis

JOHN W. PEMBERTON, *Clerk*, Montgomery

LOIS F. ALLEN, *Chief Clerk*, Montgomery

**MEMBERS OF THE HOUSE**

Dist.

No.	Counties	Name	Address
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*1—Lauderdale*

John E. Higginbotham	.....	Rt. 11, Box 158, Florence	35630
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*2—Lauderdale*

Nelson R. Starkey, Jr.	.....	158 Cedarcrest Drive, Florence	35630
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*3—Lauderdale, Colbert, Franklin*

Tom Coburn	.....	1107 E. Third St., Tusculumbia	35674
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*4—Colbert, Franklin*

J. W. (Joe) Goodwin	.....	310 Ford Road, Muscle Shoals	35660
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*5—Franklin, Marion*

Wayne Cobb	.....	Rt. 4, Hamilton	35570
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*6—Lamar, Marion, Fayette*

Charles T. Gilmer	.....	P. O. Box 665, Vernon	35592
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*7—Lawrence, Morgan*

S. R. (Sam) Letson	.....	P. O. Box 156-B, Moulton	35650
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*8—Morgan*

Robert E. (Bob) Patton	.....	P. O. Box 786, Decatur	35601
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*9—Morgan*

Tommy Ed Roberts	.....	Brookwood Street, P. O. Box 1298, Hartselle	35640
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*10—Morgan, Cullman*

Steve Cooley	.....	P. O. Box 402, Cullman	35055
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*11—Cullman, Winston*

W. C. (Bill) Bowling	.....	Rt. 2, Hanceville	35077
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**ROSTER OF THE HOUSE OF REPRESENTATIVES – Cont.***12—Winston, Walker*

Carl C. Brakefield..... P. O. Box G, Carbon Hill 35549

*13—Walker*

Alvis Naramore ..... Rt. 10, Jasper 35501

*14—Jefferson, Blount*

Earl Cheatwood ..... Rt. 1, Box 932, Warrior 35180

*15—Jefferson*

Arthur Payne ..... 2825 2nd St., N.W., Birmingham 35215

*16—Limestone*

Tommy Carter ..... Rt. 2, Box 72, Elkmont 35620

*17—Limestone, Madison*

James P. (Jim) Smith ..... 108 South Side Square, Huntsville 35801

*18—Madison*

Frank H. Riddick ..... 7804 Lauderdale Rd., S.W.,  
Huntsville 35802

*19—Madison*

Richard Gregg ..... 4007 Nelson Dr., Huntsville 35810

*20—Madison*

Robert E. Albright..... 2024 Stanhope Dr., N.E.,  
Huntsville 35811

*21—Madison*

Martha Jo Smith ..... 1700 Big Cove Rd., S.E.,  
Huntsville 35801

*22—Madison, Jackson*

Albert Hall ..... P. O. Box 275, Gurley 35748

*23—Jackson*

Cecil Shavers ..... Jackson County Court House,  
Scottsboro 35768

*24—Jackson, DeKalb*

J. David Stout ..... P. O. Box 1106, Fort Payne 35967

*25—DeKalb, Marshall*

T. Euclid Rains, Sr. .... Rt. 1, Box 326, Albertville 35950

*26—Marshall*

Phillip B. (Phil) Kelley ..... Rt. 2, Box 486, Guntersville 35976

*27—Blount, Etowah, Marshall*

Bob Harvey ..... Rt. 4, Box 342, Oneonta 35121

*28—Etowah*

Joe Ford ..... 117 Arcade St. E., Gadsden 35903

*29—Etowah*

Bill Drinkard ..... P. O. Box 372, Gadsden 35902

*30—Etowah, Cherokee*

H. H. (Bill) Adams ..... Rt. 3, Box 257, Piedmont 36272

*31—Jefferson*

W. J. (Bill) Cabaniss ..... P. O. Box 57032, Birmingham 35209

**ROSTER OF THE HOUSE OF REPRESENTATIVES – Cont.***32—Jefferson*

George Seibels ..... 4016 10th Ave., So., Birmingham 35222

*33—Jefferson*

Robert C. (Bob) Gafford ..... 5345 Division Ave., Birmingham 35212

*34—Jefferson*

John E. Amari ..... 9636 Parkway E., Birmingham 35215

*35—Jefferson*

Jack Biddle, III ..... 2256 Pinehurst Dr., Gardendale 35071

*36—Jefferson*

Hoyt W. Trammell ..... Rt. 15, Box 247, Birmingham 35224

*37—Jefferson*Jim Bennett ..... Dept. of Public Affairs,  
Birmingham Southern College  
800-8th Ave., West, Birmingham 35204*38—Jefferson*

Ronald E. Jackson ..... 1324 Elmwood St., Birmingham 35211

*39—Jefferson*

William Fred Horn ..... 333 16th Ave. S.W., Birmingham 35211

*40—Jefferson*

J. Fred Olive, II ..... 1612 27th St. W., Birmingham 35218

*41—Jefferson*

C. Howard Nevett ..... 5028 Parkway Ave., Fairfield 35064

*42—Jefferson*

Hugh Boles ..... 1036 Normandale Circle, Hueytown 35020

*43—Jefferson*Jerome Tucker ..... Suite 1722, 2121 Building, 8th Ave. N.,  
Birmingham 35203*44—Jefferson*A. L. (Tony) Harrison ..... 1630 4th Ave. No.,  
Birmingham 35203*45—Jefferson*

Sundra E. Escott ..... P. O. Box 8172, Birmingham 35218

*46—Tuscaloosa*

Park Barton ..... P. O. Box 338, Tuscaloosa 35401

*47—Tuscaloosa*

Roy W. Johnson, Jr. .... Route 4, Box 140, Tuscaloosa 35405

*48—Tuscaloosa, Bibb*

Walter Owens ..... 107 Court Sq. West, Centreville 35042

*49—Tuscaloosa, Jefferson*

Asbury Howard ..... 1930 Exeter Ave., Bessemer 35020

*50—Jefferson*

M. Duane Lewis ..... 1129 4th Ave. N., Bessemer 35020

*51—Jefferson, Shelby*

J. T. (Jabo) Waggoner, Jr. .... 1829 Mission Rd., Birmingham 35216

**ROSTER OF THE HOUSE OF REPRESENTATIVES – Cont.****52—Jefferson, Shelby, Talladega**

Sonny Moore ..... P. O. Box 44, Sterrett 35147

**53—Chilton, Shelby**

Curtis Smith ..... Rt. 3, Box 118, Clanton 35045

**54—Coosa, Talladega**

Ronald G. Johnson ..... Route 5, Box 17, Sylacauga 35150

**55—Talladega**

Wallace Shoemaker ..... 15 Cliff Rd., Childersburg 35044

**56—St. Clair, Calhoun**

A. J. Blake ..... Rt. 1, Box 206A, Pell City 35125

**57—Calhoun**

Gerald Willis ..... Rt. 2, Box 286, Piedmont 36272

**58—Calhoun**

Bobby C. Crow ..... Rt. 10, Box 842, Anniston 36201

**59—Calhoun**

James M. Campbell ..... P. O. Box 2003, Anniston 36202

**60—Clay, Cleburne, Talladega**

Gerald O. Dial ..... Box 275, Lineville 36266

**61—Randolph, Chambers**

Richard Laird ..... Bonner Dr., Roanoke 36274

**62—Tallapoosa, Chambers**

Owen Harper ..... 502 Lilly Ave., E. Tallassee 36023

**63—Tallapoosa, Lee, Chambers**

Peter Turnham ..... P. O. Box 1592, Auburn 36830

**64—Chambers, Lee**

Shelby Dean Ward ..... P. O. Box 689, Opelika 36801

**65—Lee, Russell, Barbour**

Charles W. Whatley ..... Rt. 5, Box 296, Opelika 36801

**66—Russell**

Charles Adams ..... P.O. Box 967, Phenix City 36867

**67—Macon, Bullock**Thomas Reed ..... Drawer EE, Tuskegee Institute,  
Tuskegee 36088**68—Pike, Coffee, Bullock, Barbour**

James E. Ray ..... 104 Woodland Circle, Troy 36081

**69—Dale, Barbour, Henry**

James G. Sasser ..... 1208 Skipperville Rd., Ozark 36360

**70—Houston, Henry, Barbour**

George H. Grimsley ..... Rt. 1, Columbia 36319

**70—Houston**

Joe Carothers, Jr. .... Rt. 8, Box 33, Dothan 36301

**72—Dale**

R. Nolan Williams ..... Rt. 2, Newton 36352

**73—Geneva, Covington, Houston**

Gene Daniels ..... Rt. 2, Box 207, Samson 36477

**ROSTER OF THE HOUSE OF REPRESENTATIVES – Cont.****74—Covington, Coffee**

Jimmy W. Holley ..... Rt. 3, Box 191E, Elba 36323

**75—Covington**

Seth Hammett ..... P.O. Box 1418, Andalusia 36420

**76—Elmore**

Jack B. Venable ..... P. O. Box 736, Tallassee 36078

**77—Montgomery**

Charles D. Langford ..... 352 Dexter Ave.,  
Montgomery 36104

**78—Montgomery, Crenshaw**

Cecil Wyatt ..... P.O. Box 1, Ramer 36069

**79—Montgomery**

Bob McKee ..... P.O. Box 424, Montgomery 36102

**80—Montgomery**

Alvin Holmes ..... P.O. Box 6064, Montgomery 36106

**81—Montgomery**

Larry Dixon ..... Jackson Hospital Foundation,  
1235 Forest Ave., Montgomery 36106

**82—Autauga, Elmore, Lowndes, Montgomery**

E. A. Grouby, Jr. .... P.O. Box 188, Prattville 36067

**83—Wilcox, Lowndes, Dallas**

William D. Edwards ..... Rt. 1, Box 180A, Fort Deposit 36032

**84—Butler, Crenshaw**

Eric O. Cates, Jr. .... Rt. 2, Box 320, Greenville 36037

**85—Dallas, Autauga**

William F. (Noopie) Cosby, Jr. .... 201 Ruth St., Selma 36701

**86—Dallas, Perry, Marengo**

Leigh Pegues ..... 204 East Early St., Marion 36756

**87—Marengo, Sumter, Hale, Greene**

Richard S. (Rick) Manley ..... P. O. Drawer U, Demopolis 36732

**88—Greene, Pickens, Tuscaloosa, Hale**

George Clark ..... Box 6, Eutaw 35462

**89—Tuscaloosa, Pickens**

Earl Mitchell ..... P.O. Box 426, Northport 35476

**90—Sumter, Choctaw**

Preston (Mann) Minus, Jr. .... P.O. Box 969, Livingston 35470

**91—Escambia**

L. Brooks Hines ..... P.O. Box 345, Brewton 36426

**92—Clarke, Monroe**

Joe C. McCorquodale, Jr. .... P.O. Box 928,  
111 W. Church St., Jackson 36545

**93—Monroe, Conecuh, Escambia**

J. E. (Jimmy) Warren ..... P. O. Box 207, Castleberry 36432

**94—Baldwin**

Walter E. Penry, Jr. .... Rt. 2, Box 286, Daphne 36526



**ROSTER OF THE HOUSE OF REPRESENTATIVES – Cont.***95–Baldwin, Mobile*

Stephen A. McMillan ..... P. O. Box 337, Bay Minette 36507

*96–Washington, Mobile*

J.E. Turner ..... P.O. Box 901, Citronelle 36522

*97–Mobile*

V. M. Parker ..... 504 Woodlore Dr., Chickasaw 36611

*98–Mobile*

William Clark ..... P. O. Box 10434, Prichard 36610

*99–Mobile*

James E. Buskey ..... 2207 Barretts Lane, Mobile 36617

*100–Mobile*

J. Thomas (Tommy) Sandusky ..... P.O. Box 9338, Mobile 36691

*101–Mobile*

Ann Bedsole ..... 25 Edgefield Rd., Mobile 36608

*102–Mobile*

Mary S. Zoghby ..... 2862 Hilburn Dr., Mobile 36606

*103–Mobile*

Yvonne Kennedy ..... 1205 Glennon Ave., Mobile 36603

*104–Mobile*

George Stewart ..... 4413 S. Shan Dr., Mobile 36609

*105–Mobile*

Taylor F. Harper ..... P.O. Box 208, Grand Bay 36541

**STATE AND COUNTY POPULATION**  
**1980 FEDERAL CENSUS**  
**1970 FEDERAL CENSUS**

**The State of Alabama Population . . . . . 1980 - 3,893,888 — 1970 - 3,444,354**

	<b>1980</b>	<b>1970</b>		<b>1980</b>	<b>1970</b>
Autauga	32,259	24,460	Henry	15,302	13,254
Baldwin	78,556	59,382	Houston	74,632	56,574
Barbour	24,756	22,543	Jackson	51,407	39,202
Bibb	15,723	13,812	Jefferson	671,324	644,991
Blount	36,459	26,853	Lamar	16,453	14,335
Bullock	10,596	11,824	Lauderdale	80,546	68,111
Butler	21,680	22,007	Lawrence	30,170	27,281
Calhoun	119,761	103,092	Lee	76,283	61,268
Chambers	39,191	36,356	Limestone	46,005	41,699
Cherokee	18,760	15,606	Lowndes	13,253	12,897
Chilton	30,612	25,180	Macon	26,829	24,841
Choctaw	16,839	16,589	Madison	196,966	186,540
Clarke	27,702	26,724	Marengo	25,047	23,819
Clay	13,703	12,636	Marion	30,041	23,788
Cleburne	12,595	10,996	Marshall	65,622	54,211
Coffee	38,533	34,872	Mobile	364,980	317,308
Colbert	54,519	49,632	Monroe	22,651	20,883
Conecuh	15,884	15,645	Montgomery	197,038	167,790
Coosa	11,377	10,662	Morgan	90,231	77,306
Covington	36,850	34,079	Perry	15,012	15,388
Crenshaw	14,110	13,188	Pickens	21,481	20,326
Cullman	61,642	52,445	Pike	28,050	25,038
Dale	47,821	52,995	Randolph	20,075	18,331
Dallas	53,981	55,296	Russell	47,356	45,394
DeKalb	53,658	41,981	St. Clair	41,205	27,956
Elmore	43,390	33,661	Shelby	66,298	38,037
Escambia	38,440	34,912	Sumter	16,908	16,974
Etowah	103,057	94,144	Talladega	73,826	65,280
Fayette	18,809	16,252	Tallapoosa	38,676	33,840
Franklin	28,350	23,933	Tuscaloosa	137,541	116,029
Geneva	24,253	21,924	Walker	68,660	56,246
Greene	11,021	10,650	Washington	16,821	16,241
Hale	15,604	15,888	Wilcox	14,755	16,303
			Winston	21,953	16,654

**INCORPORATED MUNICIPALITIES**  
**1980 FEDERAL CENSUS**  
**1970 FEDERAL CENSUS**

	<b>1980</b>	<b>1970</b>		<b>1980</b>	<b>1970</b>
Abbeville	3,155	2,996	Arley	276	164
Adamsville	2,498	2,412	Ashford	2,165	1,980
Addison	746	692	Ashland	2,052	1,921
Akron	604	535	Ashville	1,489	986
Alabaster	7,079	2,642	Athens	14,558	14,360
Albertville	12,039	9,963	Atmore	8,789	8,293
Alexander City	13,807	12,358	Attalla	7,737	7,510
Aliceville	3,207	2,851	Auburn	28,471	22,767
Allgood	387	272	Autagaville	843	870
Altoona	928	781	Avon	433	374
Andalusia	10,415	10,092	Bobbie	553	82
Anderson	405	—	Baileytown	396	—
Annonston	29,523	31,533	Banks	160	170
Arab	5,967	4,399	Bay Minette	7,455	6,727
Ardmore	1,096	761	Bayou La Batre	2,005	2,664
Ariton	844	643	Bear Creek	353	336

## INCORPORATED MUNICIPALITIES CONTINUED

	1980	1970		1980	1970
Beatrice .....	558	455	Creola .....	1,652	—
Beaverton .....	360	265	Crossville .....	1,222	1,035
Belk .....	308	64	Cuba .....	486	386
Benton .....	74	115	Cullman .....	13,084	12,601
Berry .....	916	679	Dadeville .....	3,263	2,847
Bessemer .....	31,729	33,428	Daleville .....	4,250	5,182
Billingsley .....	106	110	Daphne .....	3,406	2,382
Birmingham .....	284,413	300,910	Daviston .....	334	247
Black .....	156	171	Dayton .....	113	115
Blountsville .....	1,509	1,254	Decatur .....	42,002	38,044
Blue Mountain .....	284	446	Demopolis .....	7,678	7,651
Blue Springs .....	112	137	Detroit .....	326	191
Boaz .....	7,151	5,635	Dora .....	2,327	1,862
Boligee .....	164	225	Dothan .....	48,750	36,733
Bon Air .....	118	214	Double Springs .....	1,057	957
Branchville .....	365	225	Douglas .....	116	—
Brantley .....	1,151	1,066	Dozier .....	494	304
Brent .....	2,862	2,093	Dutton .....	276	423
Brewton .....	6,680	6,747	East Brewton .....	3,012	2,336
Bridgeport .....	2,974	2,908	Eclectic .....	1,124	1,184
Brighton .....	5,308	2,277	Edwardsville .....	207	146
Briliant .....	871	726	Elba .....	4,355	4,634
Brookside .....	1,409	990	Elberta .....	491	395
Brookwood .....	492	—	Eldridge .....	230	—
Brownville .....	2,386	501	Elkmont .....	429	394
Brundidge .....	3,213	2,709	Enterprise .....	18,033	15,591
Butler .....	1,882	2,064	Epes .....	399	293
Calera .....	2,035	1,655	Ethelsville .....	95	98
Camden .....	2,406	1,742	Eufaula .....	12,097	9,102
Camp Hill .....	1,628	1,554	Eunola .....	169	141
Carbon Hill .....	2,452	1,929	Eutaw .....	2,444	2,805
Cardiff .....	140	127	Eva .....	185	146
Carolina .....	203	192	Evergreen .....	4,171	3,924
Carrollton .....	1,104	923	Excel .....	385	422
Carrville .....	820	895	Fairfield .....	13,242	14,369
Castleberry .....	847	666	Fairhope .....	7,286	5,720
Cedar Bluff .....	1,129	956	Fairview .....	450	313
Centre .....	2,351	2,418	Falkville .....	1,310	946
Centreville .....	2,504	2,233	Faunsdale .....	174	227
Chatom .....	1,122	1,059	Fayette .....	5,287	4,568
Cherokee .....	1,589	1,484	Five Points .....	197	247
Chickasaw .....	7,402	8,447	Flint City .....	673	404
Childersburg .....	5,084	4,831	Flomaton .....	1,882	1,584
Citronelle .....	2,841	1,935	Florala .....	2,165	2,701
Clanton .....	5,832	5,868	Florence .....	37,029	34,031
Clayhatchee .....	560	505	Foley .....	4,003	3,368
Clayton .....	1,589	1,626	Forkland .....	429	—
Cleveland .....	487	413	Fort Deposit .....	1,519	1,438
Clio .....	1,224	1,065	Fort Payne .....	11,485	8,435
Coffee Springs .....	339	329	Franklin .....	133	—
Coffeeville .....	448	441	Frisco City .....	1,424	1,286
Collinsville .....	1,383	1,300	Fruithurst .....	239	229
Columbia .....	881	891	Fulton .....	606	628
Columbiana .....	2,655	2,248	Fultondale .....	6,217	5,163
Coosada .....	980	—	Fyffe .....	1,305	311
Cordova .....	3,123	2,750	Gadsden .....	47,565	53,928
Cottonwood .....	1,352	1,149	Gainesville .....	207	255
County Line .....	124	—	Gantt .....	314	—
Courtland .....	456	547	Gantts Quarry .....	71	63
Cowarts .....	418	350	Garden City .....	655	745

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	1980	1970		1980	1970
Gardendale .....	7,928	6,537	Jasper .....	11,894	10,798
Gaylesville .....	192	161	Jemison .....	1,828	1,423
Geiger .....	200	120	Kansas .....	267	227
Geneva .....	4,866	4,398	Kennedy .....	604	415
Georgiana .....	1,993	2,148	Killen .....	747	683
Geraldine .....	911	610	Kimberly .....	1,043	847
Gilbertown .....	218	207	Kinsey .....	1,239	219
Glen Allen .....	312	276	Kinston .....	604	540
Glencoe .....	4,648	2,901	Lafayette .....	3,647	3,530
Glenwood .....	341	378	Lakeview .....	441	13
Goldville .....	89	—	Lanett .....	6,897	6,908
Good Hope .....	1,442	840	Langston .....	112	—
Goodwater .....	1,895	2,172	Leeds .....	8,638	6,991
Gordo .....	2,112	1,991	Leesburg .....	116	98
Gordon .....	362	312	Leighton .....	1,218	1,231
Goshen .....	365	279	Lester .....	117	70
Grant .....	632	382	Level Plains .....	867	1,007
Graysville .....	2,642	3,182	Lexington .....	884	278
Greensboro .....	3,248	3,371	Libertyville .....	141	141
Greenville .....	7,807	8,033	Lincoln .....	2,081	1,127
Grimes .....	298	191	Linden .....	2,773	2,697
Grove Hill .....	1,912	1,825	Lineville .....	2,257	1,984
Guin .....	2,418	2,220	Lipscomb .....	3,741	3,225
Gulf Shore .....	1,349	909	Lisman .....	638	—
Guntersville .....	7,041	6,491	Littleville .....	1,262	858
Gurley .....	735	647	Livingston .....	3,187	2,358
Gu-Win .....	266	231	Loachapoka .....	335	—
Hackleburg .....	883	726	Lockhart .....	547	698
Haleburg .....	106	104	Locust Fork .....	488	—
Haleyville .....	5,306	4,190	Louisville .....	791	785
Hamilton .....	5,093	3,088	Lowndesboro .....	207	219
Hammondville .....	369	221	Loxley .....	804	859
Hanceville .....	2,220	2,027	Luverne .....	2,639	2,440
Harpersville .....	934	639	Lynn .....	554	286
Hartford .....	2,647	2,648	McIntosh .....	319	—
Hartselle .....	8,858	7,355	McKenzie .....	605	491
Hayden .....	268	195	McMullen .....	164	—
Hayneville .....	592	473	Madison .....	4,057	3,086
Headland .....	3,327	2,545	Madrid .....	172	238
Heath .....	354	229	Malvern .....	558	227
Heflin .....	3,014	2,872	Maplesville .....	754	704
Helena .....	2,130	1,110	Margaret .....	757	685
Henagar .....	1,188	812	Marion .....	4,467	4,289
Highland Lake .....	210	108	Maytown .....	538	667
Hillsboro .....	278	222	Memphis .....	95	—
Hobson City .....	1,268	1,124	Mentone .....	476	407
Hodges .....	250	207	Midfield .....	6,203	6,621
Hokes Bluff .....	3,216	2,133	Midland City .....	1,903	1,172
Holly Pond .....	493	325	Midway .....	593	558
Hollywood .....	1,110	301	Millbrook .....	3,101	—
Homewood .....	21,412	21,245	Millport .....	1,287	1,070
Hoover .....	19,792	688	Milry .....	956	911
Horn Hill .....	186	—	Mobile .....	200,452	190,026
Hueytown .....	13,478	7,095	Monroeville .....	5,674	4,846
Huntsville .....	142,513	139,282	Montevallo .....	3,965	3,719
Hurtsboro .....	752	937	Montgomery .....	177,857	133,386
Ider .....	698	—	Moody .....	1,840	504
Irondale .....	6,510	3,166	Mooresville .....	58	72
Jackson .....	6,073	5,957	Morris .....	623	519
Jackson's Gap .....	217	—	Mosses .....	649	—
Jacksonville .....	9,735	7,715	Moulton .....	3,197	2,470

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	1980	1970		1980	1970
Moundville .....	1,310	996	Reform .....	2,245	1,893
Mountainboro .....	266	311	Repton .....	313	277
Mountain Brook .....	19,718	19,474	Ridgeville .....	182	177
Mount Vernon .....	1,038	1,079	River Forks .....	669	580
Mulga .....	405	582	Riverside .....	849	351
Muscle Shoals .....	8,911	6,907	Riverview .....	132	110
Myrtlewood .....	252	334	Roanoke .....	5,896	5,251
Napier Field .....	493	572	Robertsdale .....	2,306	2,078
Nauvoo .....	259	265	Rockford .....	494	603
Nectar .....	367	—	Rogersville .....	1,224	950
Newbern .....	307	286	Roosevelt City .....	3,352	3,663
New Brockton .....	1,392	1,374	Rosa .....	204	—
New Hope .....	1,546	1,300	Russellville .....	8,195	7,814
New Site .....	340	548	Rutledge .....	496	353
Newton .....	1,540	1,865	St. Florian .....	305	—
Newville .....	814	465	Samson .....	2,402	2,257
North Johns .....	243	241	Sanford .....	250	256
Northport .....	14,291	9,435	Saraland .....	9,833	7,840
Notasulga .....	876	833	Sardis .....	883	368
Oak Grove .....	638	482	Satsuma .....	3,822	2,035
Oak Hill .....	63	86	Scottsboro .....	14,758	9,324
Oakman .....	770	853	Section .....	821	702
Odenville .....	724	533	Selma .....	26,684	27,379
Ohatchee .....	860	445	Sheffield .....	11,903	13,115
Oneonta .....	4,824	4,390	Shiloh .....	297	233
Onycha .....	147	—	Silas .....	343	345
Opelika .....	21,896	19,027	Silverhill .....	624	552
Opp .....	7,204	64,93	Sipsey .....	678	608
Orrville .....	349	362	Slocomb .....	2,153	1,883
Owens Crossroads .....	804	767	Snead .....	667	347
Oxford .....	8,939	4,361	Somerville .....	140	185
Ozark .....	13,188	13,555	Southside .....	5,141	983
Paint Rock .....	221	226	South Vinemont .....	615	480
Parrish .....	1,583	1,742	Springville .....	1,476	1,153
Pelham .....	6,759	931	Steele .....	795	798
Pell City .....	6,616	5,602	Stevenson .....	2,568	2,390
Pennington .....	355	301	Sulligent .....	2,130	1,762
Petrey .....	93	122	Sumiton .....	2,815	2,374
Phenix City .....	26,928	25,281	Summerdale .....	546	550
Phil Campbell .....	1,549	1,230	Sweet Water .....	253	265
Pickensville .....	132	132	Sylacauga .....	12,708	12,255
Piedmont .....	5,544	5,063	Sylvania .....	1,156	476
Pinckard .....	771	609	Sylvan Springs .....	450	344
Pine Apple .....	298	347	Talladega .....	19,128	17,662
Pine Hill .....	510	697	Talladega Springs .....	196	143
Pisgah .....	699	519	Tallassee .....	4,763	4,809
Pleasant Grove .....	7,102	5,090	Tarrant City .....	8,148	6,835
Pollard .....	144	86	Taylor .....	1,003	174
Powell's Crossroads .....	636	474	Thomaston .....	679	824
Prattville .....	18,647	13,116	Thomasville .....	4,387	3,769
Priceville .....	966	—	Thorsby .....	1,422	944
Prichard .....	39,541	41,578	Town Creek .....	1,201	1,203
Providence .....	363	—	Toxey .....	265	304
Ragland .....	1,860	1,239	Trafford .....	673	628
Rainbow City .....	6,299	3,099	Triana .....	285	228
Rainsville .....	3,907	2,099	Trinity .....	1,328	881
Ranburne .....	417	371	Troy .....	12,945	11,482
Red Bay .....	3,232	2,464	Trussville .....	3,507	2,985
Red Level .....	504	616	Tuscaloosa .....	75,211	65,773
Reece City .....	718	496	Tuscumbia .....	9,137	8,828

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	1980	1970		1980	1970
Tuskegee .....	13,327	11,028	Waverly .....	228	247
Union .....	358	—	Weaver .....	2,765	2,091
Union Grove .....	127	118	Webb .....	448	354
Union Springs .....	4,431	4,324	Wedowee .....	908	842
Uniontown .....	2,112	2,133	West Blocton .....	1,147	1,172
Valley Head .....	609	470	West Jefferson .....	357	233
Vance .....	254	—	Weston .....	350	187
Vernon .....	2,609	2,190	West Point .....	248	—
Vestavia Hills .....	15,722	12,250	Wetumpka .....	4,341	3,912
Vina .....	346	366	Whites Chapel .....	336	334
Vincent .....	1,652	1,419	White Hall .....	195	—
Vredenburgh .....	433	521	Wilmer .....	581	—
Wadley .....	532	626	Wilsonville .....	914	659
Waldo .....	231	—	Wilton .....	642	573
Walnut Grove .....	510	224	Winfield .....	3,781	3,292
Warrior .....	3,260	2,621	Woodland .....	192	177
Waterloo .....	260	262	Woodville .....	609	322
			York .....	3,392	3,044

# SUBJECT INDEX

## 1st, 2nd, 3rd SPECIAL SESSIONS 1982

# INDEX TO ACTS

**EXPLANATORY NOTE** — The 1st Special Session, 2nd Special Session and the 3rd Special Session of 1982 have been consolidated into one index. Each entry designates the session the act was enacted.

A short descriptive summary of each act is filed under various key words. You are encouraged to scan all entries under a key word for the act you want.

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